

SEVENTEENTH DAY.

(Monday, May 7, 1923.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and developed the fact that there was not a quorum present.

Mr. Satterwhite moved a call of the House for the purpose of securing a quorum, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Mr. Satterwhite moved that the Sergeant-at-Arms be instructed to bring in all absentees within the city of Austin.

Mr. Burmeister moved as a substitute that the Sergeant-at-Arms be instructed to arrest and bring in all members absent, not excused.

The motion of Mr. Burmeister prevailed.

The roll was again called and the following members were present:

Abney.	Downs.
Amsler.	Driggers.
Arnold.	Duffey.
Atkinson.	Dunlap.
Avis.	Dunn.
Baker of Milam.	Durham.
Baker of Orange.	Edwards.
Baldwin.	Fields.
Barker.	Frnka.
Barrett.	Fugler.
Beasley.	Gipson.
Bell.	Green.
Bird.	Greer.
Bonham.	Hardin of Erath.
Bryant.	Harris.
Burmeister.	Henderson
Cable.	of Marion.
Carpenter	Henderson
of Matagorda.	of McLennan.
Carson.	Hendricks.
Carter of Hays.	Howeth.
Coffee.	Hull.
Collins.	Irwin.
Covey.	Jacks.
Cowen.	Jennings.
Crawford.	Jones.
Culp.	Kemble.
Davenport.	Lackey.
Davis.	Laird.
DeBerry.	Lane.
Dinkle.	LeMaster.
Dodd.	LeSturgeon.

Lewis.	Russell
Loftin.	of Callahan.
Looney.	Russell of Trinity.
McBride.	Sackett.
McDaniel.	Sanford.
McDonald.	Satterwhite.
McNatt.	Shearer.
Martin.	Shires.
Mathes.	Simpson.
Maxwell.	Smith.
Melson.	Stell.
Merritt.	Stevens.
Miller.	Stewart
Montgomery.	of Edwards.
Moore.	Stewart of Jasper.
Morgan	Stewart of Reeves.
of Liberty.	Stiernberg.
Morgan	Storey.
of Robertson.	Stroder.
Pate.	Sweet.
Patman.	Teer.
Patterson.	Thompson.
Perdue.	Thrasher.
Pool.	Turner.
Pope.	Vaughan.
Potter.	Wallace.
Price.	Wells.
Purl.	Westbrook.
Quaid.	Wessels.
Quinn.	Williamson.
Rice.	Wilmans.
Robinson.	Winfree.
Rogers.	Young.
Rowland.	

Absent

Bobbitt.	Harrington.
Carpenter	Houston.
of Dallas.	Johnson.
Carter of Coke.	Lamb.
Chitwood.	McFarlane.
Dielmann.	McKean.
Finlay.	Strickland.
Hardin	
of Kaufman.	

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Sparkman.
Lusk.	Wilson.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Pinkston for today, on motion of Mr. Davis.

Mr. Wilson for today, on motion of Mr. Patterson.

Mr. Weasels for today, on motion of Mr. Stell.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Baldwin:

H. B. No. 222, A bill to be entitled "An Act creating and establishing the Lindsey County Independent School District in Lubbock and Hockley counties, Texas; defining its boundaries; providing for the election of boards of trustees to manage and control the schools of said district; authorizing said district to issue bonds, and to assume the payment of parts of the outstanding indebtedness against the school district affected by this act; and investing said district with the rights, powers, privileges and duties of independent school districts organized or existing under general laws of the State, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Baldwin:

H. B. No. 223, A bill to be entitled "An Act creating and incorporating the Grassland Independent School District in Lynn county, Texas, out of territory now comprising the Grassland Common School District No. 21 of Lynn county, as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Grassland Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 21, of Lynn county, validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district;

providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions hereof, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Irwin:

H. B. No. 224, A bill to be entitled "An Act to amend Articles 4256 and 4257 of an act entitled guardian and ward, Chapter 17, Title 64, of the Revised Statutes of Texas, 1911, providing for the appointment and qualification of non-resident guardians of the estate of non-resident minors in the State of Texas; prescribing the procedure in such cases; fixing the amount of the bond of such guardians; providing for the removal out of the State of Texas of personal property of such estates; providing for the sale of real property belonging to such estates and removal of the proceeds thereof; providing for the procedure in such sales, and validating any proceedings heretofore taken under Chapter 17, Title 64, Revised Civil Statutes of Texas, 1911, and as since amended, qualifying such guardians and sales of real estate heretofore made by such non-resident guardians made in accordance with the provisions of Chapters 11 and 12, Revised Civil Statutes of Texas, 1911, and as since amended; and to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Bryant (by request):

H. B. No. 225, A bill to be entitled "An Act amending House bill No. 474, passed at the Regular Session of the Thirty-eighth Legislature so as to add to Hulver Common School District No. 5, in Hall county, Section No. — of Block 'A' of A., B. & M. lands, detaching the said section from Estelline Independent School District in Hall county, and providing that the adjustment of said school districts and their finances and taxes unto such transfer shall be included in the election provided for in said act of the Thirty-eighth Legislature, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Bonham:

H. B. No. 226, A bill to be entitled "An Act to amend Section 1, Chapter 17, Acts First Called Session, Thirty-seventh Legislature, redefining the boundaries of the Sodville Independent District, in San Patricio county, providing for the excluded territory to bear its pro rata part of any outstanding bonded indebtedness of the Sodville Independent District, restoring the excluded territory to its original status before the passage of said act, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Bryant (by request):

H. B. No. 227, A bill to be entitled "An Act repealing House bill No. 477, enacted by the Regular Session of the Thirty-eighth Legislature, it being an act entitled 'An Act taking certain territory from the Estelline Independent School District in Hall county and from Parnell Common School District No. 18 in Hall county and adding same to Hulver Common School District No. 5 in Hall county; providing for an election at which the qualified taxpaying voters of said Hulver district, as thus enlarged, may determine whether it shall assume and be taxed to pay the pro rata portion of taxes, which the said territory taken from said adjacent districts may be subject to, on account of any outstanding schoolhouse bond issues previously made by such districts, and whether the property in said Hulver district, as enlarged, shall all be subject to any special school taxes previously voted by said Hulver district, and whether the property of such district, as so enlarged, shall be subject to taxes for the support of any previous bond issue by said Hulver district; providing for the defining of the boundary lines of said district, as thus enlarged; specifying the jurisdiction which the county board of school trustees shall have in respect to the boundaries and territory of such enlarged district, and declaring an emergency,' and declaring an emergency."

Referred to Committee on School Districts.

By Mr. LeSturgeon and Mr. Burmeister:

H. B. No. 228, A bill to be entitled "An Act appropriating fifty thousand dollars (\$50,000) out of the State Treasury to build and equip a chemical lab-

oratory for the purpose of increasing the facility of the teaching of industrial chemistry at the A. and M. College, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Jennings:

H. B. No. 229, A bill to be entitled "An Act to amend an act of the Third Called Session of the Thirty-sixth Legislature, creating the Spearman Independent School District in Hansford county, by changing the boundaries thereof; and to provide for the creating of the board of trustees thereof; and authorizing the board of trustees to levy, assess and collect special taxes and pay current expenses for the maintenance and support of said schools; and providing for the election to fill vacancies occurring in the board of trustees; providing for a board of equalization; prescribing the duties and authority of said board of trustees; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Mathes (by request):

H. B. No. 230, A bill to be entitled "An Act authorizing the commissioners court of Floyd county to validate the sale of a certain block of land in the county of Floyd, in this State, known as 211 acres out of Section No. 89, Block No. 1, A., B. & M. Cert. No. 1497, and shown on the official map of Floyd county; authorizing the commissioners court of said county to execute a deed of confirmation, without the necessity of public advertisement and public sale, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

BILL ORDERED NOT PRINTED.

On motion of Mr. Barrett, House bill No. 147 was ordered not printed.

RELATING TO CENTENNIAL OF BATTLE OF SAN JACINTO.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. J. R. No. 3, Relating to centennial of battle of San Jacinto:

Whereas, April 21, 1936, is the centennial of the battle of San Jacinto, which won for Texas its independence from the government of Mexico; and

Whereas, San Jacinto battlefield is located in Harris county within twenty miles of its county seat, the city of Houston; and

Whereas, The city of Houston was the capital of the Republic of Texas after the battle of San Jacinto and the granting of independence; and

Whereas, It is fit, proper and patriotic that the centennial of the battle of San Jacinto and of the independence of Texas be observed in a nation-wide celebration in order that all citizens of the State of Texas, of the United States and of the civilized world may celebrate that occasion; therefore, be it

Resolved by the Senate and the House of Representatives of the Thirty-eighth Legislature, That the proper place for the celebration of said centennial should, and is hereby declared to be in the city of Houston, Harris county, Texas, as the place for holding said celebration, and we recommend to the people of the State of Texas that the celebration of the centennial of the battle of San Jacinto and of the independence of Texas be celebrated on that occasion in the city of Houston, in the manner befitting such an event and that all the civilized world be invited to join in the celebration.

The resolution was read second time and was adopted.

RELATING TO CONTRACTS FOR TEXT BOOKS.

Mr. Baldwin offered the following resolution:

Be it resolved by the House of Representatives of the State of Texas:

Whereas, The joint legislative committee appointed in pursuance of House Concurrent Resolution No. 4 adopted at the Regular Session of the Thirty-eighth Legislature to make investigation into the matter of awarding of text book contracts in December, 1922, by the Texas State Text Book Commission, did, on the 4th day of May, 1923, officially file report of this investigation, wherein it made recommendations to the Legislature with reference to said text book contracts, which recommendations are as follows, towit:

1. That each and all officials of the State of Texas who are charged under the law in any manner with the duty of carrying into effect any of said alleged contracts, or with paying out or authorizing to be paid out any public moneys under or by virtue of said alleged contracts, should steadfastly refuse to take

any action or do anything whatsoever toward recognizing or enforcing the same or admitting their validity, or paying out or authorizing to be paid out any public moneys thereunder.

2. That the Attorney General of Texas in all ways within his power and by any and all means at his command, shall uphold and defend any and all such officials in their failure or refusal to recognize or admit the validity or binding effect of said alleged contracts, or to take any action or do anything by virtue thereof, and in failing or refusing to pay out or authorizing to be paid out any public moneys thereunder.

3. That the Attorney General be directed to take such action, in or out of court, and institute and defend such suits, sue out such injunctions and other writs and things as in his judgment shall be best calculated to prevent carrying into execution by any official, any of said alleged contracts, or any provision thereof, or the paying out of any public moneys thereunder, to the end that the State of Texas may be relieved of and from any responsibility or liability under any of such alleged contracts.

4. That the Attorney General of Texas be requested to advise the Legislature at once of his attitude in the premises, so that in the event he should not for any reason be able to comply with the direction of the Legislature, there shall be ample time remaining at the present Called Session for the Legislature to consider and determine upon ways and means of accomplishing the objects and purposes of these recommendations in the interest of the people of Texas.

Whereas, The report of said joint committee, including the foregoing recommendations, was duly adopted by the House of Representatives of the State of Texas on the 4th day of May, A. D. 1923; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That each and every person holding official position in Texas, who is in any manner charged with the duty of administering the Texas State Text Book Law, or whose duty it is in any manner to carry into effect the provisions of any of the contracts for text books made by the Texas State Text Book Commission in December, 1922, and any and all officials whose duty it is or may become to pay out or authorize to be paid out any moneys

under and by virtue of said mentioned contracts, be and they are hereby instructed and directed to take official notice of the report made by said joint legislative text book investigating committee, and of the recommendations made by the said committee and set forth in this resolution, and that they be and are hereby instructed to comply with said recommendations in the interests of the people of Texas. Provided further, that the Attorney General is instructed to institute and prosecute all necessary suits for the cancellation of said alleged contracts.

That the Chief Clerk of the House of Representatives be and he is hereby instructed to make certified copies of this resolution, and to deliver an official copy hereof to the Governor of Texas, the Attorney General, the Superintendent of Public Instruction, the State Treasurer and the Comptroller.

That the Attorney General be and he is hereby requested to advise the House of Representatives officially, as soon as possible, what his attitude will be with reference to compliance with the recommendations of said committee as adopted by the House of Representatives, to the end that should he for any reason be unable to comply with said recommendations and this resolution, there shall be ample time remaining at the present Called Session of the Legislature for the House of Representatives to consider and determine upon ways and means of carrying into effect the recommendations of said joint committee.

Signed—Baldwin, Price, Henderson of Marion, Bonham, Laird.

The resolution was read second time and was adopted.

HOUSE BILL NO. 32 ON FINAL PASSAGE.

Mr. Pope called up, for consideration at this time, the motion to reconsider the vote by which House bill No. 32 failed on last Saturday to pass.

Due notice having been given that the motion to reconsider would be called up for consideration today.

Mr. Westbrook moved the previous question on the pending motion to reconsider and the main question was ordered.

Question recurring on the motion, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—67.

Amsler.	Martin.
Baldwin.	Mathes.
Barker.	Maxwell.
Barrett.	Melson.
Beasley.	Merritt.
Bell.	Morgan
Bonham.	of Liberty.
Bryant.	Patman.
Cable.	Perdue.
Carpenter	Pool.
of Matagorda.	Pope.
Coffee.	Potter.
Crawford.	Price.
Davis.	Quinn.
DeBerry.	Rice.
Dinkle.	Rogers.
Dodd.	Rowland.
Downs.	Russell of Trinity.
Driggers.	Sackett.
Dunlap.	Sanford.
Dunn.	Satterwhite.
Durham.	Shearer.
Edwards.	Simpson.
Frnka.	Stell.
Fugler.	Stevens.
Gipson.	Stewart
Greer.	of Edwards.
Irwin.	Stewart of Jasper.
Laird.	Storey.
Lane.	Stroder.
LeSturgeon.	Sweet.
Loftin.	Thompson.
Looney.	Vaughan.
McBride.	Wells.
McDonald.	Westbrook.

Nays—37.

Abney.	Hull.
Arnold.	Jennings.
Atkinson.	Kemble.
Avis.	LeMaster.
Baker of Milam.	McDaniel.
Baker of Orange.	McNatt.
Bird.	Miller.
Burmeister.	Montgomery.
Carson.	Morgan
Collins.	of Robertson.
Covey.	Pate.
Davenport.	Patterson.
Duffey.	Quaid.
Fields.	Russell
Hardin of Erath.	of Callahan.
Harris.	Teer.
Henderson	Thrasher.
of Marion.	Wallace.
Henderson	Williamson.
of McLennan.	Winfree.
Hendricks.	Young.
Howeth.	

Present—Not Voting.

Wessels.

Wilmans.

Absent.

Bobbitt.	Johnson.
Carpenter	Lackey.
of Dallas.	Lamb.
Carter of Coke.	Lewis.
Carter of Hays.	McFarlane.
Chitwood.	McKean.
Cowen.	Moore.
Culp.	Purl.
Dielmann.	Robinson.
Finlay.	Shires.
Green.	Smith.
Hardin	Stewart of Reeves.
of Kaufman.	Stiernberg.
Harrington.	Strickland.
Houston.	Turner.
Jacks.	

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Sparkman.
Jones.	Wilson.
Lusk.	

The Speaker then laid before the House, on its final passage,

H. B. No. 32, A bill to be entitled "An Act providing for the levy and collection of income taxes upon individuals, firms, co-partnerships, corporations, joint stock companies and associations residing in or doing business within the State of Texas, and upon non-residents having income from property located in or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; providing for exemptions of amounts or parts of incomes, such exemptions to be excepted from said tax; providing for county income assessors and county income tax collectors; providing the manner of making reports and returns by individuals, companies, co-partnerships and associations; providing for the compensation of county income assessors and county income tax collectors; providing for the disposition of the revenues arising under the provisions of this act; designating what shall constitute income, coming under the provisions of this act, and allowing such reductions from gross income for the purpose of calculating net income; providing for the appointment of supervisors and assistants required for the proper administration of the provisions hereof; making an appropriation for the purpose of carrying into effect the provisions of this act, and declaring an emergency."

Mr. Young moved the previous ques-

tion on the passage of the bill, and the main question was ordered.

Question recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 32 was then passed by the following vote:

Yeas—58.

Amsler.	Martin.
Atkinson.	Mathes.
Baldwin.	Maxwell.
Barker.	Melson.
Barrett.	Merritt.
Beasley.	Morgan
Bell.	of Liberty.
Bonham.	Patman.
Bryant.	Perdue.
Cable.	Pool.
Carpenter	Pope.
of Matagorda.	Price.
Carter of Hays.	Quinn.
Coffee.	Rice.
Cowen.	Rogers.
Crawford.	Rowland.
Davis.	Sanford.
DeBerry.	Shearer.
Dinkle.	Simpson.
Dodd.	Stell.
Downs.	Stevens.
Dunlap.	Stewart
Durham.	of Edwards.
Edwards.	Stewart of Jasper.
Fugler.	Stewart of Reeves.
Gipson.	Storey.
Greer.	Stroder.
Laird.	Sweet.
Lane.	Thompson.
Loftin.	Wells.
McBride.	Westbrook.
McDonald.	

Nays—48.

Abney.	Irwin.
Arnold.	Jacks.
Avis.	Jennings.
Baker of Milam.	Kemble.
Baker of Orange.	LeMaster.
Bird.	LeSturgeon.
Burmeister.	Looney.
Carson.	McDaniel.
Collins.	McNatt.
Covey.	Miller.
Davenport.	Moore.
Driggers.	Morgan
Duffey.	of Robertson.
Dunn.	Pate.
Fields.	Patterson.
Hardin of Erath.	Potter.
Harris.	Quaid.
Henderson	Russell
of Marion.	of Callahan.
Henderson	Russell of Trinity.
of McLennan.	Satterwhite.
Hendricks.	Shires.
Hull.	Smith.

Teer.
Thrasher.
Vaughan.
Wallace.

Wessels.
Williamson.
Young.

Absent.

Bobbitt.
Carpenter
of Dallas.
Carter of Coke.
Chitwood.
Culp.
Dielmann.
Finlay.
Frnka.
Green.
Hardin
of Kaufman.
Harrington.
Houston.
Howeth.

Johnson.
Lackey.
Lamb.
Lewis.
McFarlane.
McKean.
Montgomery.
Purl.
Robinson.
Sackett.
Stiernberg.
Strickland.
Turner.
Wilmans.
Winfree.

Absent—Excused.

Blount.
Faubion.
Hughes.
Jones.
Lusk.

Merriman.
Pinkston.
Sparkman.
Wilson.

Mr. Stewart of Reeves moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 3 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarleton Agricultural College, Grubbs Vocational College, Promotion of Vocational Education, College of Industrial Arts, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers College at Alpine, Stephen F. Austin State

Teachers College at Nacogdoches, Texas School for the Blind and Texas School for the Deaf, for the years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency."

The bill was read second time.

On motion of Mr. Quaid, further consideration of the bill was postponed until 4 o'clock p. m. today.

HOUSE BILL NO. 41 ON SECOND READING.

On motion of Mr. Quaid, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 41, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1923, and ending August 31, 1925, as follows, to wit: Confederate Woman's Home; State Confederate Home; State Lunatic Asylum; State Pasteur Institute; Southwestern Insane Asylum; North Texas Hospital for the Insane; East Texas Hospital for the Insane; State Epileptic Colony; State Orphan Home; State Institution for Training of Juveniles; Girls' Training School; State Colony for Feeble-Minded; State Tuberculosis Sanatorium; Hospital for Crippled Children; Deaf, Dumb and Blind Institute for Colored Youths; Northwest Texas Insane Asylum; State Home for Dependent and Neglected Children."

The bill was read second time.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 41, page 30, line 35, by striking out "two" and inserting "one" and by reducing "\$50,000" to "\$25,000" each year.

The amendment was adopted.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 41, page 16, line 14, by striking out the word "three" and substituting the word "one," and by striking out the figures "20,000" in second column.

The amendment was adopted.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 41, page 33, line 7, by striking out "for" and substituting "by."

The amendment was adopted.

Mr. Pope offered the following amend-

ment to the section of the bill relating to the Confederate Woman's Home:

Amend House bill No. 41 by striking out lines 27 to 31, page 2.

Mr. Fugler offered the following substitute for the amendment by Mr. Pope:

Amend House bill No. 41 by striking out line 28, page 2.

On motion of Mr. Henderson of Marion, the substitute was tabled.

Mr. Wallace moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—66.

Arnold.	McDaniel.
Baker of Milam.	McDonald.
Beasley.	McNatt.
Burmeister.	Mathes.
Cable.	Maxwell.
Carson.	Merritt.
Carter of Hays.	Moore.
Coffee.	Morgan
Covey.	of Robertson.
Cowen.	Pate.
DeBerry.	Patman.
Dunlap.	Patterson.
Dunn.	Pool.
Durham.	Potter.
Edwards.	Price.
Frnka.	Purl.
Fugler.	Quaid.
Green.	Rice.
Greer.	Robinson.
Hardin of Erath.	Russell of Trinity.
Harris.	Sackett.
Henderson	Sanford.
of Marion.	Satterwhite.
Henderson	Stroder.
of McLennan.	Sweet.
Hull.	Teer.
Irwin.	Thrasher.
Jacks.	Wallace.
Jennings.	Wells.
Kemble.	Wilmons.
Lane.	Winfree.
McBride.	Young.

Nays—42.

Abney.	Dodd.
Amsler.	Downs.
Atkinson.	Driggers.
Avis.	Duffey.
Barker.	Fields.
Barrett.	Hendricks.
Bird.	Howeth.
Bonham.	Laird.
Bryant.	LeMaster.
Carpenter	Loftin.
of Matagorda.	Looney.
Crawford.	Martin.
Davenport.	Morgan
Davis.	of Liberty.

Perdue.	Simpson.
Pope.	Stell.
Quinn.	Stewart
Rogers.	of Edwards.
Rowland.	Stewart of Jasper.
Russell	Storey.
of Callahan.	Vaughan.
Shearer.	Wessels.
Shires.	Williamson.

Absent.

Baker of Orange.	Jones.
Baldwin.	Lackey.
Bell.	Lamb.
Bobbitt.	LeStourgeon.
Carpenter	Lewis.
of Dallas.	McFarlane.
Carter of Coke.	McKean.
Chitwood.	Melson.
Collins.	Miller.
Culp.	Montgomery.
Dielmann.	Smith.
Dinkle.	Sparkman.
Finlay.	Stevens.
Gipson.	Stewart of Reeves.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Thompson.
Houston.	Turner.
Johnson.	Westbrook.

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.
Lusk.	

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 34 to 40, page 2, and lines 1 to 22, page 3, and insert the following:

"Any property belonging to said institution necessary to be sold shall only be sold or disposed of by the superintendent, and all proceeds from the sale of any such property, and from labor performed and all proceeds from the sale of crops shall be paid into the State Treasury and shall become a part of the State general fund, and a complete statement of all such transactions shall be made in the annual report of said institution.

"All salaries shall be paid in twelve equal monthly installments except as otherwise herein provided, and all employes may receive board except when otherwise stated.

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein,

and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular institution; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"The superintendent of said institution shall keep an accounting of all purchases made for and on behalf of said institution and indicate in his annual report as herein required to be made, the cost of all purchases which are higher in price than such superintendent would have been required to pay therefor if permitted to take competitive bids and make said purchases himself."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—67.

Amsler.	Henderson
Arnold.	of Marion.
Baker of Milam.	Hendricks.
Baker of Orange.	Hull.
Beasley.	Irwin.
Bell.	Jennings.
Carson.	Kemble.
Carter of Hays.	McBride.
Coffee.	McDonald.
Cowen.	McNatt.
Dunlap.	Maxwell.
Dunn.	Morgan
Durham.	of Liberty.
Edwards.	Morgan
Fugler.	of Robertson.
Gipson.	Patman.
Hardin of Erath.	Patterson.
Harris.	Pool.

Potter.
Price.
Quaid.
Robinson.
Russell of Trinity.
Sackett.
Sanford.
Satterwhite.
Shires.

Smith.
Sweet.
Teer.
Thrasher.
Wallace.
Wells.
Wilmons.
Winfree.

Nays—35.

Abney.
Atkinson.
Avis.
Baldwin.
Barker.
Barrett.
Bird.
Bryant.
Burmeister.
Cable.
Carpenter
of Matagorda.
Covey.
Crawford.
Culp.
Davenport.
Davis.
DeBerry.
Dodd.
Downs.
Driggers.
Duffey.
Fields.
Frnka.
Greer.
Henderson
of McLennan.
Howeth.
Laird.
Lane.

LeMaster.
LeSturgeon.
Looney.
McDaniel.
Martin.
Melson.
Merritt.
Perdue.
Pope.
Purl.
Rice.
Rogers.
Rowland.
Russell
of Callahan.
Shearer.
Stell.
Stevens.
Stewart
of Edwards.
Stewart of Jasper.
Storey.
Stroder.
Thompson.
Turner.
Vaughan.
Westbrook.
Wessels.
Williamson.
Young.

Absent.

Bobbitt.
Bonham.
Carpenter
of Dallas.
Carter of Coke.
Chitwood.
Collins.
Dielmann.
Dinkle.
Finlay.
Green.
Hardin
of Kaufman.
Harrington.
Houston.
Jacks.
Johnson.
Jones.

Lackey.
Lamb.
Lewis.
Loftin.
McFarlane.
McKean.
Mathes.
Miller.
Montgomery.
Moore.
Pate.
Quinn.
Simpson.
Sparkman.
Stewart of Reeves.
Stiernberg.
Strickland.

Absent—Excused.

Blount.
Faubion.
Hughes.
Lusk.

Merriman.
Pinkston.
Wilson.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 36 to 38, page 3, and insert the following: "Comptroller of the State of Texas."

Mr. Quaid moved to table the amendment.

Mr. Wallace raised a point of order on consideration of the amendment on the ground that the amendment seeks to amend the general laws.

The Speaker overruled the point of order.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—50.

Abney.	LeMaster.
Amsler.	Loftin.
Arnold.	Looney.
Avis.	McBride.
Barker.	McDaniel.
Barrett.	Martin.
Bird.	Melson.
Bryant.	Merritt.
Cable.	Perdue.
Carpenter	Pope.
of Matagorda.	Purl.
Crawford.	Rice.
Culp.	Rogers.
Davenport.	Rowland.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Shearer.
Downs.	Stell.
Driggers.	Stevens.
Duffey.	Stewart
Fields.	of Edwards.
Frnka.	Stewart of Jasper.
Green.	Storey.
Greer.	Stroder.
Henderson	Thompson.
of McLennan.	Turner.
Howeth.	Vaughan.
Jennings.	Westbrook.
Laird.	Young.
Lane.	

Nays—55.

Baker of Milam.	Edwards.
Baldwin.	Fugler.
Beasley.	Hardin of Erath.
Bell.	Harris.
Burmeister.	Henderson
Carson.	of Marion.
Carter of Hays.	Hendricks.
Coffee.	Hull.
Covey.	Irwin.
Cowen.	Kemble.
Dunlap.	LeStourgeon.
Dunn.	McDonald.
Durham.	McNatt.

Maxwell.	Sackett.
Morgan	Sanford.
of Liberty.	Satterwhite.
Morgan	Shires.
of Robertson.	Smith.
Patman.	Sweet.
Patterson.	Teer.
Pool.	Thrasher.
Potter.	Wallace.
Price.	Wells.
Quaid.	Williamson.
Robinson.	Wilmans.
Russell of Trinity.	Winfree.

Absent.

Atkinson.	Jones.
Baker of Orange.	Lackey.
Bobbitt.	Lamb.
Bonham.	Lewis.
Carpenter	McFarlane.
of Dallas.	McKean.
Carter of Coke.	Mathes.
Chitwood.	Miller.
Collins.	Montgomery.
Dielmann.	Moore.
Dinkle.	Pate.
Finlay.	Quinn.
Gipson.	Simpson.
Hardin	Sparkman.
of Kaufman.	Stewart of Reeves.
Harrington.	Stiernberg.
Houston.	Strickland.
Jacks.	Wessels.
Johnson.	

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.
Lusk.	

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—55.

Arnold.	Harris.
Baker of Milam.	Henderson
Baker of Orange.	of Marion.
Beasley.	Hendricks.
Bell.	Jennings.
Burmeister.	Jones.
Carpenter	Kemble.
of Matagorda.	Lane.
Carter of Hays.	LeStourgeon.
Cowen.	McBride.
Culp.	McDaniel.
DeBerry.	McDonald.
Dinkle.	McNatt.
Dunn.	Martin.
Edwards.	Mathes.
Fugler.	Maxwell.
Gipson.	Moore.
Greer.	Morgan
Hardin of Erath.	of Robertson.

Patman.	Shires.
Patterson.	Smith.
Pool.	Stiernberg.
Potter.	Stroder.
Purl.	Sweet.
Quaid.	Thrasher.
Rice.	Wallace.
Robinson.	Wells.
Russell of Trinity.	Wilmans.
Sanford.	Winfree.
Satterwhite.	

Nays—48.

Abney.	Melson.
Amsler.	Merritt.
Atkinson.	Miller.
Baldwin.	Montgomery.
Barker.	Morgan
Barrett.	of Liberty.
Bird.	Pate.
Bonham.	Perdue.
Bryant.	Pope.
Cable.	Rogers.
Carson.	Rowland.
Covey.	Russell
Crawford.	of Callahan.
Davenport.	Shearer.
Davis.	Simpson.
Dodd.	Stell.
Downs.	Stevens.
Driggers.	Stewart
Duffey.	of Edwards.
Durham.	Stewart of Jasper.
Fields.	Storey.
Henderson	Thompson.
of McLennan.	Turner.
Howeth.	Vaughan.
Jacks.	Westbrook.
Laird.	Wessels.
LeMaster.	Young.
Loftin.	

Present—Not Voting.

Quinn.

Absent.

Avis.	Hughes.
Bobbitt.	Hull.
Carpenter	Irwin.
of Dallas.	Johnson.
Carter of Coke.	Lackey.
Chitwood.	Lamb.
Coffee.	Lewis.
Collins.	Looney.
Dielmann.	McFarlane.
Dunlap.	McKean.
Finlay.	Price.
Frnka.	Sackett.
Green.	Stewart of Reeves.
Hardin	Strickland.
of Kaufman.	Teer.
Harrington.	Williamson.
Houston.	

Absent—Excused.

Blount.

Faubion.

Lusk.	Sparkman.
Merriman.	Wilson.
Pinkston.	

Mr. Pope offered the following amendment to the section of the bill relating to the State's Confederate Home:

Amend House bill No. 41 by striking out lines 18 to 20, page 5.

On motion of Mr. Winfree, the amendment was tabled.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 25 to 40, page 5, and lines 1 to 12, page 6, and insert the following:

"Any property belonging to said institution necessary to be sold shall only be sold or disposed of by the superintendent and all proceeds from the sale of any such property, and from labor performed, and all proceeds from the sale of crops shall be paid into the State Treasury and shall become a part of the State general fund, and a complete statement of all such transactions shall be made in the annual report of said institution.

"All salaries shall be paid in twelve equal monthly installments except as otherwise herein provided, and all employees may receive board except when otherwise stated.

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular institution; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount

shall be returned to or left in the State Treasury.

"The superintendent of said institution shall keep an accounting of all purchases made for and on behalf of said institution and indicate in his annual report as herein required to be made, the cost of all purchases which are higher in price than such superintendent would have been required to pay therefor if permitted to take competitive bids and make said purchases himself."

The amendment was adopted.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 26 to 28 and the words "Board of" at end of line 25, page 6, and insert the following: "Comptroller of the State of Texas."

The amendment was adopted.

Mr. Beasley offered the following amendment to the section of the bill relating to the State Orphan Home:

Amend House bill No. 41, page 8, of the printed bill, line 26, by striking out the figures "300.00" in the first column, and insert in lieu thereof the figures "500.00."

Mr. Price moved the previous question on the pending amendment and the main question was ordered.

Question recurring on the amendment, it was adopted.

Mr. Davenport offered the following amendment to this section of the bill:

Amend House bill No. 41, page 8, by striking out lines 39 and 40, and line 4, page 9.

Mr. Wallace moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—56.

Baker of Milam.	Henderson
Baker of Orange.	of Marion.
Baldwin.	Hendricks.
Beasley.	Jennings.
Bell.	Jones.
Burmeister.	Kemble.
Carpenter	Lane.
of Matagorda.	LeSturgeon.
Carter of Hays.	McDonald.
Cowen.	McNatt.
Dinkle.	Maxwell.
Dunlap.	Morgan
Durham.	of Robertson.
Edwards.	Patman.
Frnka.	Pool.
Fugler.	Potter.
Hardin of Erath.	Quaid.

Russell of Trinity.	Thrasher.
Sanford.	Wallace.
Shires.	Williamson.
Stiernberg.	Wilmans.

Nays—50.

Abney.	Melson.
Amsler.	Merritt.
Arnold.	Miller.
Atkinson.	Montgomery.
Avis.	Moore.
Barker.	Morgan
Barrett.	of Liberty.
Bird.	Pate.
Bonham.	Patterson.
Cable.	Perdue.
Carson.	Pope.
Covey.	Price.
Crawford.	Quinn.
Culp.	Rice.
Davenport.	Rogers.
Davis.	Rowland.
DeBerry.	Russell
Dodd.	of Callahan.
Downs.	Satterwhite.
Driggers.	Shearer.
Duffey.	Simpson.
Dunn.	Stell.
Fields.	Stevens.
Gipson.	Stewart
Greer.	of Edwards.
Henderson	Stewart of Jasper.
of McLennan.	Storey.
Howeth.	Stroder.
Irwin.	Thompson.
Jacks.	Turner.
Laird.	Vaughan.
LeMaster.	Wells.
Loftin.	Westbrook.
McBride.	Wessels.
McDaniel.	Young.
Martin.	

Absent.

Bobbitt.	Johnson.
Bryant.	Lackey.
Carpenter	Lamb.
of Dallas.	Lewis.
Carter of Coke.	Looney.
Chitwood.	McFarlane.
Coffee.	McKean.
Collins.	Mathes.
Dielmann.	Purl.
Finlay.	Robinson.
Green.	Sackett.
Hardin	Smith.
of Kaufman.	Stewart of Reeves.
Harrington.	Strickland.
Harris.	Sweet.
Houston.	Teer.
Hull.	Winfree.

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Sparkman.
Lusk.	Wilson.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out line 5, page 9.

Mr. Wallace moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—34.

Baker of Milam.	Jennings.
Baker of Orange.	Kemble.
Beasley.	LeStourgeon.
Bell.	McDonald.
Burmeister.	McNatt.
Cable.	Merritt.
Carpenter	Moore.
of Matagorda.	Morgan
Cowen.	of Robertson.
Dinkle.	Patman.
Dunlap.	Pool.
Durham.	Potter.
Edwards.	Quaid.
Frnka.	Russell of Trinity.
Fugler.	Stiernberg.
Hardin of Erath.	Thrasher.
Henderson	Wallace.
of Marion.	Wilmans.
Hendricks.	

Nays—68.

Abney.	Martin.
Amsler.	Maxwell.
Atkinson.	Melson.
Avis.	Miller.
Barker.	Montgomery.
Barrett.	Morgan
Bird.	of Liberty.
Bonham.	Pate.
Bryant.	Patterson.
Carson.	Perdue.
Covey.	Pope.
Crawford.	Price.
Culp.	Quinn.
Davenport.	Rice.
Davis.	Rogers.
DeBerry.	Rowland.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunn.	Shearer.
Fields.	Shires.
Greer.	Simpson.
Henderson	Stell.
of McLennan.	Stevens.
Howeth.	Stewart
Hull.	of Edwards.
Jacks.	Stewart of Jasper.
Jones.	Storey.
Laird.	Stroder.
Lane.	Teer.
LeMaster.	Thompson.
Loftin.	Turner.
McDaniel.	Vaughan.

Wells.
Westbrook.

Wessels.
Young.

Present—Not Voting.

Carter of Hays.

Absent.

Arnold.	Johnson.
Baldwin.	Lackey.
Bobbitt.	Lamb.
Carpenter	Lewis.
of Dallas.	Looney.
Carter of Coke.	McBride.
Chitwood.	McFarlane.
Coffee.	McKean.
Collins.	Mathes.
Dielmann.	Purl.
Finlay.	Robinson.
Gipson.	Sackett.
Green.	Smith.
Hardin	Stewart of Reeves.
of Kaufman.	Strickland.
Harrington.	Sweet.
Harris.	Williamson.
Houston.	Winfree.
Irwin.	

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Sparkman.
Lusk.	Wilson.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—68.

Avis.	LeMaster.
Baker of Milam.	LeStourgeon.
Beasley.	McDonald.
Bell.	McNatt.
Burmeister.	Mathes.
Carpenter	Melson.
of Matagorda.	Moore.
Carter of Hays.	Morgan
Covey.	of Robertson.
Cowen.	Patman.
Culp.	Patterson.
Dunlap.	Pool.
Dunn.	Potter.
Edwards.	Price.
Fugler.	Quaid.
Greer.	Quinn.
Hardin of Erath.	Rice.
Harris.	Robinson.
Henderson	Rogers.
of Marion.	Rowland.
Hendricks.	Russell of Trinity.
Hull.	Sanford.
Irwin.	Satterwhite.
Jennings.	Shires.
Jones.	Stiernberg.
Kemble.	Stroder.

Sweet.
Teer.
Thrasher.
Wallace.

Wells.
Williamson.
Winfree.

Nays—54.

Abney.	Loftin.
Amsler.	McBride.
Atkinson.	McDaniel.
Baldwin.	Martin.
Barker.	Maxwell.
Barrett.	Merritt.
Bird.	Miller.
Bonham.	Morgan
Bryant.	of Liberty.
Cable.	Pate.
Carson.	Perdue.
Crawford.	Pope.
Davenport.	Russell
Davis.	of Callahan.
Dodd.	Shearer.
Downs.	Simpson.
Driggers.	Stell.
Duffey.	Stevens.
Durham.	Stewart
Fields.	of Edwards.
Frnka.	Stewart of Jasper.
Gipson.	Storey.
Henderson	Thompson.
of McLennan.	Turner.
Howeth.	Vaughan.
Jacks.	Westbrook.
Laird.	Wessels.
Lane.	Wilmans.
Lewis.	Young.

Absent.

Arnold.	Harrington.
Baker of Orange.	Houston.
Bobbitt.	Johnson.
Carpenter	Lackey.
of Dallas.	Lamb.
Carter of Coke.	Looney.
Chitwood.	McFarlane.
Coffee.	McKean.
Collins.	Montgomery.
DeBerry.	Purl.
Dielmann.	Sackett.
Dinkle.	Smith.
Finlay.	Stewart of Reeves.
Green.	Strickland.
Hardin	
of Kaufman.	

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Sparkman.
Lusk.	Wilson.

Mr. Wessels offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out on pages 8 and 9, lines 39 and 40, and line 4, the item "\$12,500" and place in lieu thereof \$2,500."

Mr. Greer moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—81.

Abney.	McDaniel.
Avis.	McDonald.
Baker of Milam.	McNatt.
Baker of Orange.	Martin.
Barker.	Mathes.
Beasley.	Maxwell.
Bell.	Merritt.
Bryant.	Miller.
Burmeister.	Montgomery.
Cable.	Moore.
Carson.	Morgan
Carter of Hays.	of Liberty.
Covey.	Patman.
Cowen.	Patterson.
Crawford.	Pool.
Culp.	Potter.
Davenport.	Price.
DeBerry.	Purl.
Dinkle.	Quaid.
Dunn.	Quinn.
Durham.	Rogers.
Edwards.	Russell
Fields.	of Callahan.
Frnka.	Russell of Trinity.
Fugler.	Sackett.
Greer.	Sanford.
Hardin of Erath.	Satterwhite.
Harris.	Shires.
Henderson	Simpson.
of Marion.	Stell.
Hendricks.	Stewart of Reeves.
Hull.	Stiernberg.
Irwin.	Storey.
Jacks.	Stroder.
Jennings.	Teer.
Jones.	Thompson.
Kemble.	Thrasher.
Laird.	Turner.
Lane.	Wallace.
LeStourgeon.	Wells.
Lewis.	Williamson.
McBride.	Winfree.

Nays—25.

Amsler.	Loftin.
Atkinson.	Melson.
Barrett.	Pate.
Bonham.	Perdue.
Carpenter	Pope.
of Matagorda.	Rice.
Davis.	Rowland.
Dodd.	Shearer.
Downs.	Stevens.
Driggers.	Stewart
Duffey.	of Edwards.
Henderson	Stewart of Jasper.
of McLennan.	Wessels.
LeMaster.	Young.

Absent.

Arnold.	Houston.
Baldwin.	Howeth.
Bird.	Johnson.
Bobbitt.	Lackey.
Carpenter	Lamb.
of Dallas.	Looney.
Carter of Coke.	McFarlane.
Chitwood.	McKean.
Coffee.	Morgan
Collins.	of Robertson.
Dielmann.	Robinson.
Dunlap.	Smith.
Finlay.	Strickland.
Gipson.	Sweet.
Green.	Vaughan.
Hardin	Westbrook.
of Kaufman.	Wilmans.
Harrington.	

Absent—Excused.

Blount.	Merriman.
Faubion.	Pinkston.
Hughes.	Sparkman.
Lusk.	Wilson.

Mr. Bonham offered the following amendment to this section of the bill:

Amend House bill No. 41, page 9, by inserting between lines 9 and 10 the following: "No child shall in the future be admitted to the State Orphan Home unless both parents be dead, and for violation of this provision the superintendent and officers or employes so violating the same shall be discharged."

Mr. Beasley raised a point of order on consideration of the amendment on the ground that the amendment seeks to nullify an existing law.

The Speaker overruled the point of order.

On motion of Mr. Jones, the amendment was tabled.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 32 to 36, page 8, inclusive.

Question—Shall the amendment be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has postponed indefinitely the further consideration of

H. B. No. 15, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised

Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State Tax Board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this act amended, said article shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions thereof; providing that any such individual, company, corporation or association engaged in any other business, upon which an occupation tax based on gross receipts is levied, shall not be relieved from the payment of such occupation tax by reason of the payment of taxes based on intangible values; fixing the salary of the Tax Commissioner, and declaring an emergency," by the following vote: 14 yeas, 8 nays, 1 pair and 1 present not voting. A motion to reconsider the vote by which the further consideration of the bill was postponed was tabled by the following vote: 14 yeas, 9 nays and 1 pair.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 10, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and

Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency," with amendments.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Price, the House, at 12 o'clock m., took recess to 1:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 1:30 o'clock p. m. and was called to order by the Speaker.

BILL ORDERED PRINTED IN THE JOURNAL.

On motion of Mr. Hull, House bill No. 36 was ordered printed in the Journal and not otherwise printed.

HOUSE BILL NO. 41 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 41, making certain appropriations for the eleemosynary institutions, on its passage to engrossment, with amendment by Mr. Pope to the section of the bill relating to the State Orphan Home, pending.

Mr. Greer offered the following substitute for the amendment:

Strike out line 35 and line 36 on page 8.

Mr. Satterwhite moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 41, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Mr. Satterwhite moved that the Sergeant-at-Arms be instructed to bring in all absentees within the city.

Mr. Jacks moved to table the motion, and the motion to table was lost.

Question then recurring on the motion by Mr. Satterwhite, it prevailed.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—12.

DeBerry.	LeMaster.
Dodd.	Rice.
Driggers.	Simpson.
Duffey.	Stewart of Jasper.
Greer.	Stroder.
Laird.	Westbrook.

Nays—88.

Amsler.	Looney.
Arnold.	McBride.
Atkinson.	McDaniel.
Baker of Milam.	McDonald.
Baker of Orange.	McNatt.
Baldwin.	Mathes.
Barker.	Maxwell.
Barrett.	Melson.
Beasley.	Merritt.
Bell.	Montgomery.
Bird.	Moore.
Bonham.	Morgan
Burmeister.	of Liberty.
Cable.	Morgan
Carson.	of Robertson.
Carter of Hays.	Pate.
Coffee.	Patman.
Collins.	Patterson.
Covey.	Perdue.
Cowen.	Pool.
Culp.	Pope.
Davenport.	Potter.
Davis.	Price.
Dinkle.	Purl.
Downs.	Quaid.
Dunlap.	Robinson.
Dunn.	Rogers.
Durham.	Russell
Edwards.	of Callahan.
Fugler.	Sackett.
Green.	Sanford.
Hardin of Erath.	Satterwhite.
Harris.	Shearer.
Henderson	Stell.
of Marion.	Stevens.
Henderson	Stewart
of McLennan.	of Edwards.
Hendricks.	Stewart of Reeves.
Howeth.	Sweet.
Irwin.	Thompson.
Jacks.	Wallace.
Jones.	Wells.
Kemble.	Wessels.
Lane.	Williamson.
LeSturgeon.	Wilmans.
Lewis.	Winfree.
Loftin.	Young.

Present—Not Voting.

Mr. Speaker.	Shires.
Quinn.	Turner.

Absent.

Abney.	Hull.
Avis.	Jennings.
Bobbitt.	Johnson.
Bryant.	Lackey.
Carpenter	Lamb.
of Dallas.	McFarlane.
Carpenter	McKean.
of Matagorda.	Martin.
Chitwood.	Miller.
Crawford.	Rowland.
Dielmann.	Russell of Trinity.
Fields.	Smith.
Finlay.	Sparkman.
Frnka.	Stiernberg.
Gipson.	Storey.
Hardin	Strickland.
of Kaufman.	Teer.
Harrington.	Thrasher.
Houston.	Vaughan.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Question recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—37.

Amsler.	Looney.
Atkinson.	McDaniel.
Barker.	Melson.
Barrett.	Merritt.
Bird.	Pate.
Cable.	Perdue.
Carson.	Pope.
Collins.	Rice.
Davenport.	Rowland.
Davis.	Russell
Dodd.	of Callahan.
Driggers.	Shearer.
Duffey.	Stell.
Henderson	Stevens.
of McLennan.	Stewart
Howeth.	of Edwards.
Jacks.	Stewart of Jasper.
Laird.	Thompson.
LeMaster.	Westbrook.
Loftin.	Wessels.

Nays—63.

Arnold.	Carter of Hays.
Baker of Milam.	Coffee.
Baker of Orange.	Covey.
Baldwin.	Cowen.
Beasley.	Culp.
Bell.	DeBerry.
Bonham.	Dinkle.
Burmeister.	Downs.

Dunlap.	Patman.
Dunn.	Patterson.
Durham.	Pool.
Edwards.	Potter.
Fugler.	Price.
Gipson.	Purl.
Green.	Quaid.
Greer.	Quinn.
Hardin of Erath.	Robinson.
Harris.	Rogers.
Henderson	Sackett.
of Marion.	Sanford.
Hendricks.	Satterwhite.
Irwin.	Shires.
Jones.	Simpson.
Kemble.	Smith.
Lane.	Stewart of Reeves.
LeSturgeon.	Stroder.
McDonald.	Sweet.
McNatt.	Wallace.
Mathes.	Wells.
Maxwell.	Williamson.
Moore.	Wilms.
Morgan	Winfree.
of Liberty.	Young.
Morgan	
of Robertson.	

Present—Not Voting.

Mr. Speaker.

Absent.

Abney.	Johnson.
Avis.	Lackey.
Bobbitt.	Lamb.
Bryant.	Lewis.
Carpenter	McBride.
of Dallas.	McFarlane.
Carpenter	McKean.
of Matagorda.	Martin.
Chitwood.	Miller.
Crawford.	Montgomery.
Dielmann.	Russell of Trinity.
Fields.	Sparkman.
Finlay.	Stiernberg.
Frnka.	Storey.
Hardin	Strickland.
of Kaufman.	Teer.
Harrington.	Thrasher.
Houston.	Turner.
Hull.	Vaughan.
Jennings.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 17 to 40, page 9, and lines 1 and 2, page 10, and insert the following:

Any property belonging to said institution necessary to be sold shall only be sold or disposed of by the superintendent and all proceeds from the sale of any such property, and from labor performed, and all proceeds from the sale of crops shall be paid into the State Treasury and shall become a part of the State general fund, and a complete statement of all such transactions shall be made in the annual report of said institution.

All salaries shall be paid in twelve equal monthly installments except as otherwise herein provided, and all employes may receive board except when otherwise stated.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular institution; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

The superintendent of said institution shall keep an accounting of all purchases made for and on behalf of said institution and indicate in his annual report as herein required to be made, the cost of all purchases which are higher in price than such superintendent would have been required to pay therefor if permitted to take competitive bids and make said purchases himself.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—60.

Abney.	Loftin.
Amsler.	Looney.
Arnold.	McBride.
Atkinson.	McDaniel.
Barker.	Melson.
Barrett.	Morgan
Bird.	of Liberty.
Bonham.	Pate.
Cable.	Patman.
Carpenter	Perdue.
of Matagorda.	Pool.
Carson.	Pope.
Collins.	Price.
Crawford.	Purl.
Culp.	Quinn.
Davenport.	Rice.
Davis.	Rogers.
DeBerry.	Rowland.
Dinkle.	Simpson.
Dodd.	Stell.
Downs.	Stevens.
Driggers.	Stewart
Duffey.	of Edwards.
Dunn.	Stewart of Jasper.
Durham.	Storey.
Greer.	Stroder.
Henderson	Thompson.
of McLennan.	Turner.
Howeth.	Westbrook.
Laird.	Wessels.
Lane.	Wilmons.
LeMaster.	Young.

Nays—46.

Baker of Milam.	McKean.
Baker of Orange.	McNatt.
Baldwin.	Mathes.
Beasley.	Maxwell.
Bell.	Merritt.
Burmeister.	Moore.
Carter of Hays.	Morgan
Coffee.	of Robertson.
Covey.	Patterson.
Cowen.	Potter.
Dunlap.	Quaid.
Edwards.	Robinson.
Fugler.	Russell of Trinity.
Gipson.	Sackett.
Hardin of Erath.	Sanford.
Harris.	Satterwhite.
Henderson	Shearer.
of Marion.	Shires.
Hendricks.	Smith.
Irwin.	Stewart of Reeves.
Jacks.	Sweet.
Jones.	Wells.
Kemble.	Williamson.
LeSturgeon.	Winfree.
McDonald.	

Present—Not Voting.

Bryant.

Absent.

Avis.

Bobbitt.

Carpenter	Lackey.
of Dallas.	Lamb.
Chitwood.	Lewis.
Dielmann.	McFarlane.
Fields.	Martin.
Finlay.	Miller.
Frnka.	Montgomery.
Hardin	Sparkman.
of Kaufman.	Stiernberg.
Harrington.	Strickland.
Houston.	Teer.
Hull.	Thrasher.
Jennings.	Vaughan.
Johnson.	Wallace.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Paired.

Mr. Green (present), who would vote "yea," with Mr. Russell of Callahan (absent), who would vote "nay."

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 16 to 18 and the words "Board of" at end of line 15, page 10, and insert the following: "Comptroller of the State of Texas."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—58.

Abney.	Howeth.
Amsler.	Jacks.
Arnold.	Laird.
Atkinson.	Loftin.
Barker.	Looney.
Barrett.	McBride.
Bird.	McDaniel.
Bonham.	Melson.
Cable.	Merritt.
Carson.	Pate.
Collins.	Patman.
Culp.	Perdue.
Davenport.	Pool.
Davis.	Pope.
DeBerry.	Price.
Dinkle.	Purl.
Dodd.	Quinn.
Downs.	Rice.
Driggers.	Rogers.
Duffey.	Rowland.
Dunn.	Shearer.
Durham.	Simpson.
Greer.	Stell.
Henderson	Stevens.
of McLennan.	

Stewart	Turner.
of Edwards.	Westbrook.
Stewart of Jasper.	Wessels.
Storey.	Williamson.
Stroder.	Young.
Thompson.	

Nays—48.

Baker of Milam.	Lewis.
Baker of Orange.	McDonald.
Baldwin.	McKean.
Beasley.	McNatt.
Bell.	Mathes.
Burmeister.	Maxwell.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carter of Hays.	Morgan
Coffee.	of Robertson.
Covey.	Patterson.
Cowen.	Potter.
Dunlap.	Quaid.
Edwards.	Robinson.
Fugler.	Russell of Trinity.
Gipson.	Sackett.
Hardin of Erath.	Sanford.
Harris.	Satterwhite.
Henderson	Shires.
of Marion.	Smith.
Hendricks.	Stewart of Reeves.
Irwin.	Sweet.
Jones.	Wallace.
Kemble.	Wells.
Lane.	Wilmans.
LeMaster.	Winfree.
LeSturgeon.	

Present—Not Voting.

Jennings.	Martin.
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Absent.

Avis.	Hull.
Bobbitt.	Johnson.
Bryant.	Lackey.
Carpenter	Lamb.
of Dallas.	McFarlane.
Chitwood.	Miller.
Crawford.	Montgomery.
Dielmann.	Moore.
Fields.	Sparkman.
Finlay.	Stiernberg.
Frnka.	Strickland.
Hardin	Teer.
of Kaufman.	Thrasher.
Harrington.	Vaughan.
Houston.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Paired.

Mr. Green (present), who would vote "nay," with Mr. Russell of Callahan (absent), who would vote "yea."

Mr. Wessels offered the following amendment to this section of the bill:

Amend House bill No. 41, page 8, line 37, by striking out "\$90,000" and inserting in lieu thereof "\$10,000."

On motion of Mr. Stroder, the amendment was tabled.

Mr. Stell offered the following amendment to this section of the bill:

Amend House bill No. 41, page 8, line 19, by striking out the figures "\$115,000" column 1, "\$110,000" column 2, and insert in lieu thereof "\$100,000" in each column.

(Mr. Patman in the chair.)

On motion of Mr. Quaid, the amendment was tabled.

Mr. Quaid offered the following amendment to this section of the bill:

Amend page 8, line 27, by striking out "\$1700" and inserting "Ford truck and equipment, \$700."

Signed—Quaid, Culp.

The amendment was adopted.

Mr. Stewart of Edwards offered the following amendment to this section of the bill:

Amend House bill No. 41, page 9, line 4, by striking out "\$12,500" in each column and inserting "\$5000."

Mr. Greer moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—51.

Baker of Milam.	LeSturgeon.
Baker of Orange.	McDonald.
Beasley.	McKean.
Bell.	McNatt.
Bonham.	Mathes.
Burmeister.	Melson.
Carter of Hays.	Moore.
Covey.	Morgan
Cowen.	of Robertson.
Dinkle.	Patterson.
Dunlap.	Pool.
Dunn.	Potter.
Durham.	Purl.
Edwards.	Quaid.
Fugler.	Robinson.
Gipson.	Russell of Trinity.
Green.	Sackett.
Greer.	Sanford.
Hardin of Erath.	Satterwhite.
Harris.	Smith.
Henderson	Stewart of Reeves.
of Marion.	Stroder.
Hendricks.	Sweet.
Irwin.	Wallace.
Jacks.	Wells.
Jones.	Williamson.
Kemble.	

Nays—53.

Abney.	Looney.
Amsler.	McBride.
Arnold.	McDaniel.
Atkinson.	Martin.
Barker.	Maxwell.
Barrett.	Merritt.
Bird.	Pate.
Cable.	Perdue.
Carpenter	Pope.
of Matagorda.	Quinn.
Carson.	Rice.
Crawford.	Rogers.
Davenport.	Rowland.
Davis.	Shearer.
DeBerry.	Simpson.
Dodd.	Stell.
Downs.	Stevens.
Driggers.	Stewart
Duffey.	of Edwards.
Fields.	Stewart of Jasper.
Frnka.	Storey.
Henderson	Teer.
of McLennan.	Thompson.
Howeth.	Turner.
Laird.	Westbrook.
Lane.	Wessels.
LeMaster.	Wilmans.
Loftin.	Young.

Present—Not Voting.

Jennings.

Absent.

Avis.	Lamb.
Baldwin.	Lewis.
Bobbitt.	McFarlane.
Bryant.	Miller.
Carpenter	Montgomery.
of Dallas.	Morgan
Chitwood.	of Liberty.
Coffee.	Patman.
Collins.	Price.
Culp.	Russell
Dielmann.	of Callahan.
Finlay.	Shires.
Hardin	Sparkman.
of Kaufman.	Stiernberg.
Harrington.	Strickland.
Houston.	Thrasher.
Hull.	Vaughan.
Johnson.	Winfree.
Lackey.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Mr. Westbrook moved the previous question on the pending amendment, and the main question was ordered.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—52.

Abney.	Lewis.
Amsler.	Loftin.
Atkinson.	Looney.
Barker.	McBride.
Barrett.	McDaniel.
Bird.	Melson.
Bryant.	Merritt.
Cable.	Pate.
Carpenter	Patterson.
of Matagorda.	Perdue.
Carson.	Pope.
Crawford.	Rice.
Culp.	Rogers.
Davenport.	Rowland.
Davis.	Shearer.
DeBerry.	Simpson.
Dodd.	Stell.
Downs.	Stevens.
Driggers.	Stewart
Duffey.	of Edwards.
Fields.	Stewart of Jasper.
Frnka.	Storey.
Henderson	Teer.
of McLennan.	Thompson.
Howeth.	Westbrook.
Laird.	Wessels.
Lane.	Young.
LeMaster.	

Nays—58.

Arnold.	LeStourgeon.
Baker of Milam.	McDonald.
Baker of Orange.	McKean.
Baldwin.	McNatt.
Beasley.	Martin.
Bell.	Mathes.
Bonham.	Maxwell.
Burmeister.	Montgomery.
Carter of Hays.	Morgan
Collins.	of Liberty.
Covey.	Morgan
Cowen.	of Robertson.
Dinkle.	Patman.
Dunlap.	Pool.
Dunn.	Potter.
Durham.	Price.
Edwards.	Purl.
Fugler.	Quaid.
Gipson.	Robinson.
Green.	Russell of Trinity.
Greer.	Sackett.
Hardin of Erath.	Sanford.
Harris.	Satterwhite.
Henderson	Smith.
of Marion.	Stewart of Reeves.
Hendricks.	Stroder.
Irwin.	Sweet.
Jacks.	Wallace.
Jennings.	Wells.
Johnson.	Williamson.
Jones.	Wilmans.
Kemble.	Winfree.

Present—Not Voting.

Quinn.

Absent.

Avis.	Lamb.
Bobbitt.	McFarlane.
Carpenter	Miller.
of Dallas.	Moore.
Chitwood.	Russell
Coffee.	of Callahan.
Dielmann.	Shires.
Finlay.	Sparkman.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Thrasher.
Houston.	Turner.
Hull.	Vaughan.
Lackey.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Mr. Beasley offered the following amendment to the section of the bill relating to the Home for Dependent Children:

Amend House bill No. 41, page 11 of printed bill, line 11, by striking out "30,000—\$30,000" and insert in lieu thereof "\$27,500—\$27,500."

The amendment was adopted.

Mr. Beasley offered the following amendment to this section of the bill:

Amend House bill No. 41, page 10 of the printed bill, between lines 35 and 36, by inserting the following: "Physician, \$720 for each year."

The amendment was adopted.

Mr. Beasley offered the following amendment to this section of the bill:

Amend House bill No. 41, page 10 of the printed bill, between lines 34 and 35, by inserting the following: "Two teachers, \$1800 for each year," and on page 11, between lines 11 and 12, by inserting the following: "To enclose porches, \$1500."

The amendment was adopted.

Mr. Davenport offered the following amendment to this section of the bill:

Amend House bill No. 41, page 11, line 5, by striking out the words beginning with "not" down to and including the word "institution."

The amendment was adopted.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 14 to 40, page 11, and line 1, page 12, and insert the following:

Any personal property belonging to said institution necessary to be sold shall only be sold or disposed of by the superintendent and all proceeds from the sale of any such property, and from labor performed, and all proceeds from the sale of crops shall be paid into the State Treasury and shall become a part of the State general fund, and a complete statement of all such transactions shall be made in the annual report of said institution.

All salaries shall be paid in twelve equal monthly installments except as otherwise herein provided, and all employes may receive board except when otherwise stated.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular institution; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

The superintendent of said institution shall keep an accounting of all purchases made for and on behalf of said institution and indicate in his annual report as herein required to be made, the cost of all purchases which are higher in price than such superintendent would have been required to pay therefor if permitted to take competitive bids and make said purchases himself.

Mr. Satterwhite offered the following amendment to the amendment:

Amend the amendment by striking out the last paragraph.

The amendment to the amendment was lost.

Question then recurring on the amendment, it was adopted.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 14 to 16 and the word "Board" at end of line 13, page 12, and insert the following: "Comptroller of the State of Texas."

The amendment was adopted.

Mr. Rogers offered the following amendment to this section of the bill:

Amend House bill No. 41, page 12, line 13, by inserting after the word "same" the words "under oath."

The amendment was adopted.

Mr. Quaid offered the following amendment to the section of the bill relating to the State Juvenile Training School:

Amend House bill No. 41, page 13, line 31, changing figures from "\$7500" to "\$6000."

The amendment was adopted.

Mr. Dodd offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out "\$1800" in line 21, page 13, and insert "\$700."

The amendment was adopted.

Mr. Davenport offered the following amendment to this section of the bill:

Amend House bill No. 41, page 13, line 32, by striking out line 32.

Mr. Young moved the previous question on the amendment and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—35.

Abney.	Merritt.
Amsler.	Morgan
Atkinson.	of Liberty.
Barrett.	Perdue.
Davis.	Pope.
Dodd.	Price.
Downs.	Rowland.
Driggers.	Russell
Duffey.	of Callahan.
Fields.	Shearer.
Frnka.	Simpson.
Henderson	Stell.
of McLennan.	Stevens.
Howeth.	Stewart
LeMaster.	of Edwards.
Lewis.	Stewart of Jasper.
Loftin.	Teer.
Looney.	Wessels.
McBride.	

Nays—72.

Arnold.	Laird.
Baker of Milam.	Lane.
Baker of Orange.	McDaniel.
Baldwin.	McDonald.
Barker.	McKean.
Beasley.	McNatt.
Bell.	Martin.
Bird.	Mathes.
Bonham.	Maxwell.
Bryant.	Melson.
Burmeister.	Montgomery.
Cable.	Moore.
Carpenter	Morgan
of Matagorda.	of Robertson.
Carson.	Patman.
Carter of Hays.	Patterson.
Coffee.	Pool.
Cowen.	Potter.
Crawford.	Purl.
Davenport.	Quaid.
DeBerry.	Robinson.
Dinkle.	Rogers.
Dunlap.	Russell of Trinity.
Dunn.	Sackett.
Durham.	Sanford.
Edwards.	Satterwhite.
Gipson.	Smith.
Green.	Stewart of Reeves.
Greer.	Storey.
Hardin of Erath.	Stroder.
Harris.	Sweet.
Henderson	Turner.
of Marion.	Wallace.
Hendricks.	Wells.
Hull.	Westbrook.
Irwin.	Williamson.
Jennings.	Wilmans.
Johnson.	Winfree.
Jones.	Young.

Present—Not Voting.

Quinn.

Absent.

Avis.	Kemble.
Bobbitt.	Lackey.
Carpenter	Lamb.
of Dallas.	LeSturgeon.
Chitwood.	McFarlane.
Collins.	Miller.
Covey.	Pate.
Culp.	Rice.
Dielmann.	Shires.
Finlay.	Sparkman.
Fugler.	Stiernberg.
Hardin	Strickland.
of Kaufman.	Thompson.
Harrington.	Thrasher.
Houston.	Vaughan.
Jacks.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Mr. Wessels offered the following amendment to this section of the bill:
Amend House bill No. 41, on page 13, line 31, by striking out all of said section.

Mr. Pope offered the following substitute for the amendment:

Amend House bill No. 41 by striking out lines 29, 30 and 31, page 13.

Mr. Stewart of Reeves moved the previous question on the pending amendment and substitute, and the main question was ordered.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—50.

Abney.	McBride.
Amsler.	McDaniel.
Atkinson.	Martin.
Barker.	Merritt.
Barrett.	Morgan
Bird.	of Liberty.
Bryant.	Perdue.
Cable.	Pope.
Carson.	Quinn.
Crawford.	Rice.
Culp.	Rogers.
Davenport.	Rowland.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Shearer.
Driggers.	Simpson.
Duffey.	Sparkman.
Frnka.	Stell.
Greer.	Stevens.
Henderson	Stewart
of McLennan.	of Edwards.
Howeth.	Stewart of Jasper.
Laird.	Storey.
Lane.	Teer.
LeMaster.	Thompson.
Lewis.	Westbrook.
Looney.	Wessels.

Nays—59.

Arnold.	Durham.
Baker of Milam.	Edwards.
Baker of Orange.	Green.
Baldwin.	Hardin of Erath.
Beasley.	Harris.
Bell.	Henderson
Bonham.	of Marion.
Burmeister.	Hendricks.
Carpenter	Hull.
of Matagorda.	Irwin.
Carter of Hays.	Jennings.
Coffee.	Jones.
Covey.	LeSturgeon.
Cowen.	McDonald.
Downs.	McKean.
Dunlap.	McNatt.
Dunn.	Mathes.

Maxwell.	Sackett.
Melson.	Sanford.
Montgomery.	Satterwhite.
Moore.	Shires.
Morgan	Stewart of Reeves.
of Robertson.	Stroder.
Patman.	Sweet.
Pool.	Thrasher.
Potter.	Wallace.
Price.	Wells.
Purl.	Williamson.
Quaid.	Wilmans.
Robinson.	Winfree.
Russell of Trinity.	Young.

Present—Not Voting.

Turner.

Absent.

Avis.	Houston.
Bobbitt.	Jacks.
Carpenter	Johnson.
of Dallas.	Kemble.
Chitwood.	Lackey.
Collins.	Lamb.
Dielmann.	Loftin.
Dinkle.	McFarlane.
Fields.	Miller.
Finlay.	Pate.
Fugler.	Patterson.
Gipson.	Smith.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Vaughan.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Question then recurring on the amendment by Mr. Wessels, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—45.

Abney.	Henderson
Amsler.	of McLennan.
Atkinson.	Howeth.
Barker.	Laird.
Barrett.	Lane.
Bryant.	Lewis.
Cable.	Looney.
Crawford.	McBride.
Davenport.	McDaniel.
Davis.	Merritt.
Dodd.	Morgan
Driggers.	of Liberty.
Duffey.	Perdue.
Durham.	Pope.
Fields.	Purl.
Frnka.	Rice.
Greer.	Rowland.

Russell	Stewart of Jasper.
of Callahan.	Storey.
Shearer.	Teer.
Simpson.	Thompson.
Stell.	Turner.
Stevens.	Westbrook.
Stewart	Wessels.
of Edwards.	

Nays—62.

Arnold.	McDonald.
Baker of Milam.	McKean.
Baker of Orange.	McNatt.
Baldwin.	Mathes.
Beasley.	Maxwell.
Bell.	Melson.
Bird.	Montgomery.
Bonham.	Moore.
Burmeister.	Morgan
Carpenter	of Robertson.
of Matagorda.	Patman.
Carson.	Patterson.
Carter of Hays.	Pool.
Coffee.	Potter.
Covey.	Price.
Cowen.	Quaid.
Downs.	Robinson.
Dunlap.	Rogers.
Dunn.	Russell of Trinity.
Edwards.	Sackett.
Gipson.	Sanford.
Green.	Satterwhite.
Hardin of Erath.	Shires.
Harris.	Stewart of Reeves.
Henderson	Stroder.
of Marion.	Sweet.
Hendricks.	Thrasher.
Hull.	Wallace.
Irwin.	Wells.
Jennings.	Williamson.
Johnson.	Wilmans.
Jones.	Winfree.
LeMaster.	Young.
LeSturgeon.	

Present—Not Voting.

Quinn.

Absent.

Avis.	Houston.
Bobbitt.	Jacks.
Carpenter	Kemble.
of Dallas.	Lackey.
Chitwood.	Lamb.
Collins.	Loftin.
Culp.	McFarlane.
DeBerry.	Martin.
Dielmann.	Miller.
Dinkle.	Pate.
Finlay.	Smith.
Fugler.	Sparkman.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Vaughan.

Absent—Excused.

Blount.

Carter of Coke.

Faubion.
Hughes.
Lusk.

Merriman.
Pinkston.
Wilson.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 41 by striking out lines 37 to 40, page 13, and lines 1 to 7 and lines 24 to 39, page 14, and insert the following:

Any personal property belonging to said institution necessary to be sold shall only be sold or disposed of by the superintendent, and all proceeds from the sale of any such property, and from labor performed, and all proceeds from the sale of crops shall be paid into the State Treasury and shall become a part of the State general fund, and a complete statement of all such transactions shall be made in the annual report of said institution.

All salaries shall be paid in twelve equal monthly installments except as otherwise herein provided, and all employes may receive board except when otherwise stated.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular institution; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

The superintendent of said institution shall keep an accounting of all purchases made for and on behalf of said institution, and indicate in his an-

nual report as herein required to be made, the cost of all purchases which are higher in price than such superintendent would have been required to pay therefor if permitted to take competitive bids and make said purchases himself.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—55.

Abney.	Martin.
Amsler.	Melson.
Atkinson.	Merritt.
Barker.	Morgan
Barrett.	of Liberty.
Bird.	Perdue.
Bonham.	Pool.
Bryant.	Pope.
Cable.	Quinn.
Carson.	Rice.
Crawford.	Rogers.
Culp.	Rowland.
Davenport.	Russell
Davis.	of Callahan.
DeBerry.	Shearer.
Dodd.	Simpson.
Downs.	Sparkman.
Driggers.	Stell.
Duffey.	Stevens.
Fields.	Stewart
Frnka.	of Edwards.
Henderson	Stewart of Jasper.
of McLennan.	Storey.
Howeth.	Teer.
Johnson.	Thompson.
Laird.	Turner.
LeMaster.	Westbrook.
Looney.	Wessels.
McBride.	Young.
McDaniel.	

Nays—52.

Arnold.	Henderson
Baker of Milam.	of Marion.
Baker of Orange.	Hendricks.
Baldwin.	Hull.
Beasley.	Irwin.
Bell.	Jennings.
Burmeister.	Jones.
Carpenter	Lane.
of Matagorda.	LeSturgeon.
Carter of Hays.	McDonald.
Coffee.	McKean.
Covey.	McNatt.
Cowen.	Mathes.
Dunlap.	Maxwell.
Dunn.	Montgomery.
Durham.	Moore.
Edwards.	Morgan
Gipson.	of Robertson.
Green.	Patterson.
Hardin of Erath.	Potter.
Harris.	Quaid.

Robinson.	Stroder.
Russell of Trinity.	Sweet.
Sackett.	Thrasher.
Sanford.	Wells.
Satterwhite.	Williamson.
Shires.	Wilmans.
Stewart of Reeves.	Winfree.

Absent.

Avis.	Kemble.
Bobbitt.	Lackey.
Carpenter	Lamb.
of Dallas.	Lewis.
Chitwood.	Loftin.
Collins.	McFarlane.
Dielmann.	Miller.
Dinkle.	Pate.
Finlay.	Patman.
Fugler.	Price.
Greer.	Purl.
Hardin	Smith.
of Kaufman.	Stiernberg.
Harrington.	Strickland.
Houston.	Vaughan.
Jacks.	Wallace.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 41 by striking out lines 22 and 23 and all of line 21, after the word "the" and insert the following: "Comptroller of the State of Texas."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—55.

Abney.	Frnka.
Amsler.	Henderson
Atkinson.	of McLennan.
Barker.	Howeth.
Barrett.	Johnson.
Bird.	Laird.
Bonham.	LeMaster.
Bryant.	Lewis.
Cable.	Looney.
Crawford.	McBride.
Culp.	McDaniel.
Davenport.	Martin.
Davis.	Melson.
DeBerry.	Merritt.
Dodd.	Morgan
Downs.	of Liberty.
Driggers.	Patman.
Duffey.	Perdue.
Fields.	Pope.

Quinn.	Stewart
Rice.	of Edwards.
Rogers.	Stewart of Jasper.
Rowland.	Storey.
Russell	Stroder.
of Callahan.	Teer.
Shearer.	Thompson.
Simpson.	Turner.
Sparkman.	Westbrook.
Stell.	Young.
Stevens.	

Nays—54.

Arnold.	LeStourgeon.
Baker of Milam.	McDonald.
Baker of Orange.	McKean.
Baldwin.	McNatt.
Beasley.	Mathes.
Bell.	Maxwell.
Burmeister.	Moore.
Carpenter	Morgan
of Matagorda.	of Robertson.
Carson.	Patterson.
Carter of Hays.	Pool.
Coffee.	Potter.
Covey.	Purl.
Cowen.	Quaid.
Dunlap.	Robinson.
Dunn.	Russell of Trinity.
Durham.	Sackett.
Edwards.	Sanford.
Gipson.	Satterwhite.
Green.	Shires.
Hardin of Erath.	Stewart of Reeves.
Harris.	Sweet.
Henderson	Thrasher.
of Marion.	Wallace.
Hendricks.	Wells.
Hull.	Wessels.
Irwin.	Williamson.
Jennings.	Wilmans.
Jones.	Winfree.
Lane.	

Absent.

Avis.	Jacks.
Bobbitt.	Kemble.
Carpenter	Lackey.
of Dallas.	Lamb.
Chitwood.	Loftin.
Collins.	McFarlane.
Dielmann.	Miller.
Dinkle.	Montgomery.
Finlay.	Pate.
Fugler.	Price.
Greer.	Smith.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Vaughan.
Houston.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

HOUSE BILL NO. 10 WITH SENATE AMENDMENTS.

Mr. Smith called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 10, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Smith moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following free conference committee:

Messrs. Bell, Mathes, Smith, Culp and Maxwell.

RELATING TO LENGTH OF SPEECHES.

Mr. Price offered the following resolution:

Resolved by the House of Representatives of the State of Texas, That Section 6 of Rule 11 of the Rules of the House of Representatives be amended and changed so as to read hereafter as follows:

"6. All speeches shall be limited to 10 minutes in duration except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time; provided, however, that in case the House by vote extends the time of any member, such time shall not be extended exceeding 10 minutes additional without the unanimous consent of the House; and provided further, that during the last 10 calendar days of any session of the

Legislature all speeches shall be limited to 10 minutes and shall not be extended without the unanimous consent of the House, and in no case shall the time be extended for a longer period than 5 minutes, except as provided in Section 3 of Rule 11."

The resolution was read second time and was referred by the Speaker to the Committee on Rules.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 7, 1923.

Hon. R. E. Seagier, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 1, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing oil in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil,' levying such tax against those engaged in such production; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act; requiring reports to be made, and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act and accomplishing its purpose; amending Article 7383, Chapter 2, of Title 126 of the Revised Civil Statutes of 1911, as amended, and declaring an emergency," with committee amendment.

S. B. No. 30, A bill to be entitled "An Act to amend Section 36, Acts of 1919, Second Called Session, Chapter 78, of the general laws of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the Statewide Intoxicating Liquor Prohibition Law, and declaring an emergency."

Respectfully,

RICHARD BLALOCK,
Assistant Secretary of the Senate.

HOUSE BILL NO. 1 WITH SENATE AMENDMENTS.

Mr. Coffee called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing oil

in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil,' levying such tax against those engaged in such production; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act; requiring reports to be made, and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act and accomplishing its purpose; amending Article 7383, Chapter 2, of Title 126 of the Revised Civil Statutes of 1911, as amended, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Coffee moved that the House do not concur in the Senate amendments, and that a Free Conference Committee be requested to adjust the differences between the two houses on the bill.

Mr. Gipson moved as a substitute that the House do concur in the Senate amendments.

Mr. Coffee moved to table the motion of Mr. Gipson.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—70.

Amsler.	Hardin of Erath.
Atkinson.	Harris.
Avis.	Henderson
Baker of Milam.	of Marion.
Barker.	Hendricks.
Barrett.	Howeth.
Beasley.	Jennings.
Bell.	Johnson.
Bird.	Jones.
Bonham.	Laird.
Bryant.	Lane.
Cable.	LeSturgeon.
Carpenter	McBride.
of Dallas.	McDaniel.
Carter of Hays.	McDonald.
Coffee.	McNatt.
Davis.	Mathes.
DeBerry.	Melson.
Dinkle.	Merritt.
Dodd.	Morgan
Downs.	of Robertson.
Driggers.	Patman.
Dunlap.	Perdue.
Dunn.	Potter.
Durham.	Price.
Edwards.	Quaid.
Fields.	Rice.
Frnka.	Robinson.
Green.	Rowland.
Greer.	Sackett.

Sanford.
Satterwhite.
Shires.
Simpson.
Stell.
Stevens.
Stewart
of Edwards.

Stewart of Jasper.
Stewart of Reeves.
Sweet.
Teer.
Thompson.
Wallace.
Westbrook.
Young.

Nays—39.

Arnold.	Montgomery.
Baker of Orange.	Morgan
Baldwin.	of Liberty.
Burmeister.	Patterson.
Carpenter	Pool.
of Matagorda.	Pope.
Carson.	Purl.
Collins.	Quinn.
Covey.	Rogers.
Cowen.	Russell
Davenport.	of Callahan.
Gipson.	Russell of Trinity.
Hull.	Shearer.
Irwin.	Smith.
LeMaster.	Storey.
Lewis.	Stroder.
Loftin.	Turner.
Looney.	Wells.
McKean.	Wessels.
Martin.	Williamson.
Maxwell.	Wilmans.

Present—Not Voting.

Crawford.
Culp.

Duffey.

Absent.

Abney.	Kemble.
Bobbitt.	Lackey.
Chitwood.	Lamb.
Dielmann.	McFarlane.
Finlay.	Miller.
Fugler.	Moore.
Hardin	Pate.
of Kaufman.	Sparkman.
Harrington.	Stiernberg.
Henderson	Strickland.
of McLennan.	Thrasher.
Houston.	Vaughan.
Jacks.	Winfree.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

Question then recurring on motion that the House do not concur, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—82.

Abney.	Atkinson.
Amsler.	Baker of Milam.

Baldwin.	Looney.
Barker.	McBride.
Barrett.	McDaniel.
Beasley.	McDonald.
Bell.	McNatt.
Bird.	Martin.
Bonham.	Mathes.
Bryant.	Melson.
Cable.	Merritt.
Carson.	Morgan
Carter of Hays.	of Robertson.
Coffee.	Patman.
Crawford.	Perdue.
Culp.	Pope.
Davis.	Potter.
DeBerry.	Price.
Dinkle.	Quaid.
Dodd.	Rice.
Downs.	Robinson.
Driggers.	Rowland.
Duffey.	Russell of Trinity.
Dunlap.	Sackett.
Dunn.	Sanford.
Durham.	Satterwhite.
Edwards.	Shires.
Fields.	Simpson.
Frnka.	Stell.
Green.	Stevens.
Greer.	Stewart
Hardin of Erath.	of Edwards.
Harris.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of Marion.	Sweet.
Hendricks.	Teer.
Howeth.	Thompson.
Jennings.	Wallace.
Johnson.	Wells.
Jones.	Westbrook.
Laird.	Wessels.
Lane.	Wilmans.
LeMaster.	Young.

Nays—32.

Arnold.	Maxwell.
Baker of Orange.	Montgomery.
Burmeister.	Morgan
Carpenter	of Liberty.
of Matagorda.	Patterson.
Collins.	Pool.
Covey.	Purl.
Cowen.	Quinn.
Davenport.	Rogers.
Gipson.	Russell
Henderson	of Callahan.
of McLennan.	Shearer.
Hull.	Smith.
Irwin.	Storey.
LeSturgeon.	Stroder.
Lewis.	Turner.
Loftin.	Williamson.
McKean.	Winfree.

Absent.

Avis.	Chitwood.
Bobbitt.	Dielmann.
Carpenter	Finlay.
of Dallas.	Fugler.

Hardin	Miller.
of Kaufman.	Moore.
Harrington.	Pate.
Houston.	Sparkman.
Jacks.	Stiernberg.
Kemble.	Strickland.
Lackey.	Thrasher.
Lamb.	Vaughan.
McFarlane.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Faubion.	Pinkston.
Hughes.	Wilson.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 7, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Free Conference Committee on House bill No. 10, and the following are appointed to serve on the committee on behalf of the Senate:

Senators Stuart, Bailey, Bledsoe, Lewis and Pollard.

The Senate has passed.

S. B. No. 53, A bill to be entitled "An Act concerning the signing and execution of bonds and coupons of any county, city, political subdivision, defined district or school district of the State of Texas, validating all such bonds and coupons signed by the duly authorized officers who were such officers at the time of signing same, notwithstanding any changes in office subsequent to their execution and before their delivery, and declaring an emergency."

And refused to engross

S. B. No. 49, A bill to be entitled "An Act to amend Article 7407 of Chapter 4, Title 126, of the Revised Civil Statutes of Texas of 1911, relating to the creation of a State Tax Board; fixing the annual salary of the State Tax Commissioner; providing that the provisions hereof with respect to such salary shall be superior to those of any other statute of this State conflicting therewith, and declaring an emergency," by the following vote: 8 yeas and 14 nays.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.
(Speaker in the chair.)

BILL RE-REFERRED.

On motion of Mr. Moore, House bill No. 152 was withdrawn from the Committee on Agriculture and referred to the Committee on State Affairs.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Russell of Callahan, Senate bill No. 21 was ordered not printed.

On motion of Mr. Barrett, the following bills were ordered not printed: Senate bills Nos. 56, 68 and 67, and House bills Nos. 129, 128, 206, 197, 218, 213, 222, 205, 181, 199, 215, 190, 216, 211.

MOTION TO RECOMMIT HOUSE BILL NO. 168.

Mr. LeSturgeon moved that House bill No. 168 be recommitted to the Committee on Agriculture, and the motion was lost.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

Senate bill No. 53, to the Committee on Counties.

Senate bill No. 30, to the Committee on Criminal Jurisprudence.

ACTION ORDERING CALL OF HOUSE RESCINDED.

On motion of Mr. Baldwin, by unanimous consent, the House agreed to rescind its action in ordering a call of the House pending consideration of House bill No. 41.

RECESS.

On motion of Mr. Quaid, the House, at 5:45 o'clock p. m., took recess to 7:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 7:30 o'clock p. m. and was called to order by the Speaker.

ADDRESS BY HON. LUTCHER STARK.

In accordance with a concurrent resolution heretofore adopted providing for an address by Hon. Luther Stark to a joint session of the Legislature, to be

held at this hour, the Speaker announced the appointment of the following committee to escort Hon. Luther Stark to the Speaker's stand:

Senator Cousins and Messrs. Satterwhite, Westbrook, Irwin and Baker of Orange.

The committee having performed their duty, Speaker Seagler presented Senator Cousins, who in turn introduced Hon. Luther Stark.

Hon. Luther Stark then addressed the Legislature.

SENATE BILL NO. 56 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 56, Creating the Humble Independent School District.

The bill was read second time and was passed to third reading.

SENATE BILL NO. 67 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 67, Creating the New Home Independent School District.

The bill was read second time and was passed to third reading.

SENATE BILL NO. 68 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 68, A bill to be entitled "An Act incorporating Pansy Independent School District."

The bill was read second time and was passed to third reading.

HOUSE BILL NO. 87 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 87, A bill to be entitled "An Act to amend House bill No. 528 of the Local and Special Laws of the Legislature, Regular Session, creating the Megargel Independent County Line School District so as to add additional territory to the Megargel Independent County Line School District, and giving the board of trustees of that district the authority to increase the area of the district, and declaring an emergency."

The bill was read second time.

Mr. Barrett offered the following amendment to the bill:

Amend House bill No. 87 by striking out all below the enacting clause and insert the following:

Section 1. That Section 2 of House bill No. 528 of the Local and Special Laws of the Thirty-eighth Legislature, Regular Session, be amended so as to hereafter read as follows:

Section 2. The following described land, viz.: Beginning at a point at the intersection of the north boundary line of T. E. & L. Co. Survey No. 2468, and the line between Archer county and Baylor county; thence south with said line between Archer county and Baylor county to a point at the intersection of the south boundary line of T. E. & L. Co. Survey No. 1579, and the said line between Archer county and Baylor county; thence west along the south boundary line of the following surveys, T. E. & L. Co. No. 1579, T. E. & L. Co. No. 1574, T. E. & L. Co. No. 1280 and T. E. & L. Co. 3139 to the southwest corner of said Survey No. 3139; thence north along the west boundary line of said Survey No. 3139 to the northwest corner of said Survey No. 3139 to the northeast corner of said survey No. 3139; thence north along the west boundary line of the following surveys, viz.: TEL & Co. 1281, TEL & Co. 2414 and TEL & Co. 2428, TEL & Co. 2429 and TEL & Co. 2453 to the northwest corner of said Survey No. 2453; thence east to the west boundary of TEL & Co. Survey No. 2452; thence along the west boundary line of the following surveys, viz.: TEL & Co. No. 2452, TEL & Co. 2457 and TEL & Co. No. 2462 to the northwest corner of said Survey No. 2462; thence east with the north boundary line of said Survey No. 2462 to the northeast corner of said Survey No. 2462; thence north with the west boundary line of TEL & Co. No. 2468 to the northwest corner of said Survey No. 2468; thence east along the north boundary line of said Survey No. 2468 to the place of beginning.

Also the territory in Archer county as follows: The following tracts of land situated in Archer county, Texas, to wit:

All of the T. E. & L. Co. Survey No. 2437 containing 320 acres of land.

All of the T. E. & L. Co. Survey No. 2438 containing 320 acres of land.

All of the T. E. & L. Co. Survey No. 2419 containing 320 acres of land.

All of the T. E. & L. Co. Survey No. 2417 containing 320 acres of land.

West one-half of T. E. & L. Survey No. 2418 containing 160 acres of land.

East one-half of T. E. & L. Co. Survey No. 2406 containing 160 acres of land; and being described by metes and bounds as follows:

Beginning at the N. E. corner of T. E. & L. Co. Survey No. 2436 same being a point on the common boundary line of Megargel Independent School District No. 27, and the Eureka Common School District No. 28, also being N. W. corner of T. E. & L. Co. Survey No. 2437; thence East along the north boundary line of the T. E. & L. Co. Survey No. 2437 and 2438 to the N. E. corner of the T. E. & L. Co. Survey No. 2438; thence south along the east boundary line of T. E. & L. Co. Survey No. 2438 and 2419 to the S. E. corner of T. E. & L. Co. Survey No. 2419; thence west 672 varas to a point in the north boundary line of T. E. & L. Co. Survey No. 2418; thence south across this survey to a point in the south boundary line dividing this survey into equal parts; thence west along the south boundary lines of T. E. & L. Co. Survey Nos. 2418 and 2417 to the S. W. corner of T. E. & L. Co. Survey No. 2418 and 2417 to the S. W. corner of T. E. & L. Co. survey No. 2417; thence south along the east boundary line of T. E. & L. Co. Survey No. 2406; thence west 672 varas to a point in the south boundary line of T. E. & L. Co. Survey No. 2406; thence north across said survey to a point 672 varas west of the S. E. corner of Survey No. 2416; thence E. 672 varas to the S. E. corner of Survey No. 2416; thence north along the west boundary line of T. E. & L. Co. Survey No. 2417; thence east to the N. E. corner of T. E. & L. Co. Survey No. 2417; thence north along the west boundary line of T. E. & L. Co. Survey No. 2419 to the N. W. corner of same; thence west to the S. W. corner of T. E. & L. Co. Survey No. 2437; thence north to the place of beginning and containing 1760 acres of land.

The residue of Common School District No. 16 in Baylor county is detached from Common School District No. 16 and is attached to and made part of Megargel Independent School District of Archer county, which independent school district is converted into a county

line independent school district, and in addition to the powers which it may have, it has now conferred upon it all further powers usually conferred by law or enjoyed by a county line independent school district; provided, that the trustees of the said Megargel Independent County Line School District shall have the authority to extend the boundaries of the district as provided in Article 2865, Revised Statutes, 1911, without respect to the limitation of area as prescribed in said article.

Sec. 2. The crowded condition of the calendar and the importance of this measure, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House bill No. 87 was then passed to engrossment.

HOUSE BILL NO. 128 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 128, A bill to be entitled "An Act to amend Section 2 of Chapter 146, Special Laws of the Thirty-third Legislature, Regular Session, 1913, relating to the powers and privileges of the Kyle Independent School District as amended by the Thirty-sixth Legislature, Regular Session, 1919, Chapter 35, Local and Special Laws, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 129 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 129, A bill to be entitled "An Act to amend Section 6 of Chapter 19, Special Laws of the Thirty-second Legislature, First Called Session, 1911; relating to the powers and privileges of the Buda Independent School District, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 132 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 132, A bill to be entitled "An Act to incorporate Farmersville Independent School District in Collin county, Texas, for free school purposes only; defining its boundaries; divesting the city of Farmersville of the control of its public free schools and of its school property and vesting the same in said independent school district and its board of trustees; providing that all funds belonging or owing to said city schools inure to the benefit of said independent school district and that all contracts made by the board of trustees of said city schools shall be carried out by the board of trustees of said independent school district, but that said district shall never be liable for any indebtedness of said city; providing for a board of trustees for said district and describing the rights, powers and duties of said independent school district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 133 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 133, A bill to be entitled "An Act to create the Plano Independent School District in Collin county, Texas, including the present Plano Independent School District and the Finger-ring Common School District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Plano Independent School District shall continue to act as such until their successors are elected as provided herein; divesting the city of Plano of the control of the public schools of the district as created by this act, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 135 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 135, A bill to be entitled "An Act creating the Balmorhea Independent School District in Reeves county, Texas; defining its boundaries, including the present Common School District No. 4; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in La Loma Common School District No. 4; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 136 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 136, A bill to be entitled "An Act amending Section 1 of Chapter 26, Local and Special Laws of the Thirty-seventh Legislature, passed at its First Called Session, redefining the boundaries of Sheffield Independent School District in Pecos county, Texas, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 137 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment

H. B. No. 137, A bill to be entitled "An Act creating the Gladewater County Line Independent School District in Gregg and Upshur counties, Texas; defining its boundaries; providing for a

board of trustees of said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof, including power to extend its boundaries; providing that all bonds heretofore voted in said district shall remain in full force and effect against the territory of said district which voted same; providing for the assumption of said bonds by said district; providing for payment of its proportion of the bonded indebtedness of Union Grove Common School District; providing for appointment of tax assessor and collector and board of equalization, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 139 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 139, A bill to be entitled "An Act to amend Section 2 of House bill No. 606 of the Laws passed at the Regular Session of the Thirty-eighth Legislature, 1923, by changing the time and terms of holding court in the Sixty-third Judicial District so that Section 2 of said act shall hereafter read as follows, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 141 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 141, A bill to be entitled "An Act authorizing and empowering the City of Perryton, in Ochiltree county, Texas, to close certain streets; to narrow and reduce in width certain other streets; to, by ordinance, make provision for settlement and adjustment of property rights with owners of property adjacent to and affected by said changes, and validating all ordinances by said city heretofore passed in connection therewith."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 144 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 144, A bill to be entitled "An Act creating the Hopewell Independent School District in Smith county, Texas; defining its boundaries, including the present Common School District No. 24; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Hopewell Common School District No. 24; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 150 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 150, A bill to be entitled "An Act creating the Indian Creek Independent School District in Roberts county, Texas, and defining its boundaries; providing for the creation of a board of trustees to manage and control the public free schools within said district; their mode of election and tenure of office; conferring upon said trustees all the rights, powers and privileges and imposing all the duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees; providing for the raising of revenues, issuing bonds, and levying, assessing and collecting taxes, for building and maintaining public free schools in said district; providing for the appointing of a board of equalization; providing for the filling of vacancies of such board; for the election of superintendents and other employes, and the

compensation of the members of said board; for a seal and its use and for the administration of oaths by the president and secretary; for the assessment and collection of taxes, and the regulation of same, for the maturity and for a lien and foreclosure upon the property for taxes; adopting the provisions of existing and hereinafter enacted State laws; providing for all laws in conflict herewith are repealed and that invalidity of any portion hereof shall not impair the remainder of this act."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 151 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 151, A bill to be entitled "An Act creating and incorporating the Humble Independent School District in Harris county out of the territory now composing Common School District No. 50 of said county; providing that the title of the school property vested in Common School District No. 50 shall vest in said Humble Independent School District and that said independent school district assume the debts of said Common School District No. 50; providing for a board of trustees of said Humble Independent School District; providing the time and manner of their election; defining their powers and duties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 154 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 154, A bill to be entitled "An Act to amend Section 3 of House bill No. 565, enacted by the Thirty-eighth Legislature at the Regular Session, being 'An Act to reorganize the Thirtieth and Sixteenth Judicial Districts, and to create the Ninety-second Judicial District, etc.,' so as to revise the time and dates of holding the terms of court provided for in the counties of Cooke and Denton, comprising the Sixteenth Judicial District, said Section 3 of said act hereafter to read as set out below; providing that all process and writs heretofore issued, and all recog-

nizances and bonds heretofore made and executed and returnable to existing terms of the district courts in the counties composing said district, together with jurors heretofore selected are valid and returnable to the first term of such court after this act takes effect, and providing for the continuation of the existing district courts in said counties in session when this act takes effect to the ends of their terms; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Duffey offered the following amendment to the bill:

Amend caption of House bill No. 154 by striking out the word "Ninety-second," in line 6, and inserting the word "Ninety-seventh."

The amendment was adopted.

House bill No. 154 was then passed to engrossment.

HOUSE BILL NO. 156 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 156, A bill to be entitled "An Act repealing Chapter 17, Local and Special Laws, enacted by the First Called Session of the Thirty-sixth Legislature entitled 'San Patricio County Road System—Creating,' and providing that the general laws of the State of Texas relating to working public roads, appointing overseers, the issuance of bonds for the construction of public roads, shall be applicable to San Patricio county, validating all defined road districts defined, created and established under and by virtue of said San Patricio County Special Road Law, as well as the road bonds issued thereunder, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 157 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 156, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio county, Texas; defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district.

vesting said district with all the powers, rights and duties of independent school districts created for free school purposes only; providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 161 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 161, A bill to be entitled "An Act to amend Section 1 of House bill No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in Roberts county, adding additional territory thereto, and exempting same from present outstanding bonded indebtedness of said Miami Independent School District, continuing the present trustees in office, validating levies of taxes heretofore made, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 165 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 165, A bill to be entitled "An Act to validate Simons Common School District No. 7 in Grayson county, Texas, as redefined and re-established by order of the county school trustees of Grayson county, Texas, on February 12, 1923, and Common County Line School District No. 8, as redefined and re-established by an order of the county school trustees of Grayson county, Texas, on February 12, 1923, and by an order of the county school trustees of Collin county, Texas, on February 13, 1923, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 172 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 172, A bill to be entitled "An Act creating the Parks Independent School District in Stephens county, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 176 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 176, A bill to be entitled "An Act to create the Truscott Independent School District in Knox county, Texas, including the Truscott Independent School District, as created by the Thirty-sixth Legislature, Regular Session; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this act and the general laws of Texas, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 178 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 178, A bill to be entitled "An Act creating Herring Hightower County Line Independent School District, embracing therein territory in Parker and Hood counties, defining its boundaries, and its powers and author-

ity and providing for its organization under the general laws."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 180 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 180, A bill to be entitled "An Act taking certain territory from Common School District No. 22 in Hall county and transferring the same to Common School District No. 6 in Hall county; providing for an election at which the qualified tax paying voters of said Common School District No. 6 as thus enlarged may determine whether it shall assume and be taxed to pay the pro rata portion of the taxes which the said added territory may be subject to on account of any outstanding schoolhouse bond issues previously made by said district No. 22; and whether the property in said Common School District No. 6, as enlarged, shall be subject to any special school taxes previously voted by said district; and whether the property of such district as so enlarged shall be subject to taxes for the support of any previous bond issue by said Common School District No. 6; providing for the defining of the boundary lines of said district as thus enlarged; specifying the jurisdiction which the county board of trustees shall have with respect to the boundaries of the territory of such enlarged district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 181 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 181, A bill to be entitled "An Act validating Common School District No. 3 of Bailey county as defined and attempted to be created by the county board of school trustees of Bailey county on February 14, 1921, and validating all bond issues and special taxes which may have been voted by said district, and providing for an election to adjust all territory therein contained or which may have been added to said district by the said order, to taxes which may have been theretofore levied upon the property of said Com-

mon School District No. 3 and for an assumption by said common school district of the pro rata of taxes to which any territory added to said district by said order of February 14, 1921, may be subject by reason of any outstanding bond issue or issues previously voted by any school district or school districts of which such added territory may have theretofore formed part, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 190 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment

H. B. No. 190, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district; limiting area to be furnished free transportation, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 197 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 197, A bill to be entitled "An Act amending Section 8 of Chapter 44, Local and Special Laws of the Regular Session of the Thirty-eighth Legislature of the State of Texas, creating the Southland Independent School District in the counties of Garza, Lynn and Lubbock in the State of Texas, so as to change said section of said law to provide for the issuance of bonds for building purposes in said district to bear interest not to exceed 6 per cent per annum, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 199 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 199, A bill to be entitled "An Act creating and incorporating the Quitaque Independent School District of Briscoe county, Texas, for free school purposes only, defining its boundaries, vesting it with all the rights, powers,

and privileges of independent school districts under the general laws of Texas pertaining thereto; providing for a board of trustees, raising of revenue by taxation, issuing bonds and maintaining public free schools therein, vesting all lands, buildings and all other property now owned and held for free school purposes, by Quitaque Common School District, in the Quitaque Independent School District; providing that all outstanding indebtedness, whether bonded or otherwise of the Quitaque Common School District, shall be validated and held a valid obligation against the Quitaque Independent School District, declaring valid a maintenance and bond tax heretofore voted by said Quitaque School District, and repealing all other acts and laws in conflict herewith."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 205 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 205, A bill to be entitled "An Act amending House bill No. 616, enacted into law at the Regular Session of the Thirty-eighth Legislature, by which Union Hill Independent School District in Swisher county was created, so as to increase the territory contained in said district and defining the boundary thereof; defining more fully the powers of said district and the board of trustees; providing for the continuing in office of the trustees of Union Hill Consolidated Common School District in Swisher county as trustees of this, its immediate succeeding district; providing for an election to adjust all territory contained in said district as herein created, which may have been added to this district or to Union Hill Consolidated Common School District, to adjust any school bond taxes or special school taxes theretofore voted by Union Hill Consolidated Common School District, and for the assumption by said Union Hill Independent School District of its pro rata of taxes payable by any added territory on account of any outstanding bond issues existing against school district of which such added territory may have heretofore formed a part; providing for the adding of additional territory by the trustees of said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 206 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 206, A bill to be entitled "An Act creating the Taylor Independent School District in Swisher county, Texas; defining its boundaries and authorizing said district to add territory; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts, and naming of its first board of trustees and for the election of their successors; investing said district with all the property rights and the assumption of all obligations of the Taylor Common School District No. 19; providing for the appointment of a board of equalization and tax assessor and collector for said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 211 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 211, A bill to be entitled "An Act to create the Roscoe Independent School District in Nolan county, Texas, including the present Roscoe Independent School District; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas for school purposes only; providing that the board of trustees of the present Roscoe Independent School District shall continue to act as such until their successors are elected in accordance with the provisions of this act and the general laws of Texas, and declaring an emergency."

The bill was read second time.

Mr. Barrett offered the following amendments to the bill:

Amend House bill No. 211 by striking out all before the enacting clause and insert the following:

"An Act to create the Roscoe Independent School District in Nolan county, Texas, including the present Roscoe Independent School District; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas for school purposes only; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this act and the general laws of Texas, and declaring an emergency."

Amend House bill No. 211 by striking out all after the enacting clause and insert the following:

Section 1. That the Roscoe Independent School District is hereby created and established in Nolan county, Texas, including within its limits the present Roscoe Independent School District, with metes and bounds as follows: Beginning at the N. W. corner of Section No. 36, Block 24, T. & P. Ry. Survey; thence south 13 degrees east along the west line of Sections Nos. 36, 37, 48, 49 and 60, Block 24, T. & P. Ry. Survey to the S. W. corner of Section No. 60 of the same block; thence north 77 degrees east along the south line of Section No. 60, Block 24, T. & P. Ry. Survey and along the south line of Sections Nos. 55, 56, 57 and 58, Block 23, T. & P. Ry. Survey to the S. E. corner of Section No. 58, Block 23, T. & P. Ry. Survey; thence south 13 degrees east along the west line of Section No. 62, Block 23, T. & P. Ry. Survey to the S. W. corner of same Section No. 62; thence north 77 degrees east along the south line of Sections Nos. 62 and 61, Block 23, T. & P. Ry. Survey and along the south line of Sections Nos. 66 and 65, Block 22, T. & P. Ry. Survey to the S. E. corner of Section No. 65, Block 22, T. & P. Ry. Survey; thence north 13 degrees west along the line of Sections Nos. 65, 56, 53, 44 and 41, Block 22, T. & P. Ry. Survey to the N. E. corner of Section No. 41, Block 22, T. & P. Ry. Survey; thence south 77 degrees west along the north line of Sections Nos. 41 and 42, Block 22 and Block 23, Section No. 37, T. & P. Ry. Survey to the S. E. corner of Section No. 35, Block 23, T. & P. Ry. Survey; thence north 13 degrees west along the east line of Sections Nos. 35 and 26, Block 23, T. & P. Ry. Survey, to the N. E. corner of Section No. 26, Block 23,

T. & P. Ry. Survey; thence south 77 degrees west along the north line of Sections Nos. 26, 27, 28, 29 and 30. Block 23, T. & P. Ry. Survey, to the N. W. corner of Section No. 30, Block 23, T. & P. Ry. Survey; thence south 13 degrees east along the west line of Section No. 30, Block 23, T. & P. Ry. Survey, to the N. E. corner of Section No. 36, Block 24, T. & P. Ry. Survey; thence south 77 degrees west along the north line of Section No. 36, Block 24, T. & P. Ry. Survey, to the place of beginning.

Sec. 2. The management and control of the public free schools of said Roscoe Independent School District as created by this act is hereby vested in a board of trustees composed of seven members, who shall be resident citizens and qualified voters within said district, provided that the trustees in charge of the public schools now in existence within the territory of said district shall serve as trustees of said Roscoe Independent School District until their successors are elected and qualified as is provided by general laws for the election of trustees in independent school districts organized for school purposes only.

Sec. 3. The said Roscoe Independent School District, as created by this act, shall have and exercise and is hereby vested with all the rights, powers, privileges and duties of a town incorporated under the general laws of this State for free school purposes only, and the board of trustees of the said Roscoe Independent School District shall have and exercise all of the rights, powers, privileges and duties conferred and imposed by the general laws of Texas upon the trustees of independent school districts incorporated under the general laws of the State for free school purposes only.

Sec. 4. The crowded condition of the calendar and the inadequate public free school facilities of the territory hereby incorporated for free school purposes only, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

The amendments were severally adopted.

House bill No. 211 was then passed to engrossment.

HOUSE BILL NO. 213 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 213, A bill to be entitled "An Act enlarging Woodson Independent School District of Throckmorton and Stephens counties; defining the boundaries and prescribing the powers thereof; and for the assumption by said district of the bonded indebtedness now existing against the present Woodson Independent School District and for adjusting the territory of said district as enlarged to such special taxes as may have been voted by the present said district."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 215 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment

H. B. No. 215, A bill to be entitled "An Act validating Common School District No. 11, Bailey county, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 216 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 216, A bill to be entitled "An Act extending the boundary of and adding territory to Happy Independent School District in Randall and Swisher counties as heretofore created by Chapter 23 of the Acts of the Thirty-fourth Legislature, as amended by Chapter 2 of the Acts of the First Called Session of the Thirty-fourth Legislature; defining the boundaries of said district as here extended; continuing the present board of trustees of said district in office for the remainder of their respective terms and until their successors shall have been duly elected and qualified; providing for an election to adjust the territory added to such district, and taxes which may now be levied upon the said independent school district of the pro rata of the taxes payable upon the property contained in such added territory on account of any

outstanding bond issues which may exist against such territory, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 218 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 218, A bill to be entitled "An Act creating Westover Independent School District of Baylor county; defining the powers of said district; providing for the organization of said district; providing for the election to determine whether the several outstanding obligations which may exist against the several portions of territory embraced in this district shall be assumed in whole and pro rata by this district and taxes levied upon the property of this district to provide for such indebtedness and the pro rata thereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 222 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 222, A bill to be entitled "An Act creating the Lindsey County Line Independent School District."

The bill was read second time and was passed to engrossment.

SENATE BILL NO. 35 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 35, A bill to be entitled "An Act creating the Anahuac Independent School District."

The bill was read third time and was passed.

HOUSE BILL NO. 108 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 108, A bill to be entitled "An Act creating the Frost Independent School District in Navarro county, Texas; defining its boundaries, including the present Common School District No. 60; providing for a board of trustees in said district, conferring upon

said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Frost Common School District No. 60; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 130 ON SECOND READING.

On motion of Mr. DeBerry, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 130, A bill to be entitled "An Act concerning the signing and execution of bonds and coupons of any county, city, political subdivision, defined district or school district of the State of Texas, validating all such bonds and coupons signed by the duly authorized officers who were such officers at the time of signing same, notwithstanding any changes in office subsequent to their execution and before their delivery, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. DeBerry offered the following amendment to the bill:

Amend House bill No. 130 by striking out Section 1 thereof and inserting in lieu thereof the following:

"Section 1. No bonds or coupons legally and lawfully issued and signed by the duly authorized officers of any county, city, town, political subdivision, defined district, or school district of the State of Texas shall ever be held invalid by reason of the fact that at the time of the actual delivery of such bonds to a purchaser the respective persons who had signed such bonds or coupons may have been replaced in their respective offices by other persons after the signing of such bonds or coupons but before the delivery thereof."

The amendment was adopted.

Mr. DeBerry offered the following amendment to the bill:

Amend House bill No. 130 by striking out all of Section 2 of the bill and inserting in lieu thereof the following:

"Sec. 2. All bonds and coupons legally and lawfully issued and which have heretofore been properly signed by duly authorized officers and which have been heretofore delivered to purchasers by some successor in office to the person who signed such bonds are hereby declared to be valid and binding obligations in so far as any change in office subsequent to their execution and before their delivery is concerned."

The amendment was adopted.

Mr. DeBerry offered the following amendment to the bill:

Amend the caption to House bill No. 130 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act concerning the signing and execution of bonds and coupons of any county, city, political subdivision, defined district, or school district of the State of Texas; declaring all such bonds legally issued shall not be invalidated by reason of the fact that there is a change in office after such bonds have been signed and before they are delivered, and validating all such lawfully issued bonds and coupons which have heretofore been lawfully issued and signed by proper officers, but which have been delivered to purchasers by some successor in office in so far as such change in office is concerned, and declaring an emergency."

The amendment was adopted.

House bill No. 130 was then passed to engrossment.

HOUSE BILL NO. 60 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 60, A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds in road construction, so as to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under

certain conditions, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 61 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 61, A bill to be entitled "An Act providing for destruction of certain insect pests, etc."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 75 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 75, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of Texas of 1911, providing that citizens of Texas who are qualified electors who shall reach the age of twenty-one years after the first day of February and before the day of the following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 76 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 76, A bill to be entitled "An Act providing for the organization of pools and pooling organizations by banking and other corporations and co-operative associations composed of persons engaged in producing, or producing and marketing staple agricultural products, or live stock, or both; providing for their co-operation with the Federal law affecting loans for agricultural and live stock purposes; providing for the borrowing of money by such pooling organizations upon bonded warehouse receipts and live stock mortgages; limiting the interest rate that may be charged; providing for margins; prescribing the maximum term of such liens; fixing limitations on the amount that may be loaned by such pooling or-

ganizations; providing for the use and ownership of bonded warehouses, and providing a plan of marketing the products; requiring bond of such organizations to be approved by the commissioners court of the county where organized, and filed with the Commissioner of Markets and Warehouses; requiring quarterly reports to the Commissioner of Markets and Warehouses, and prescribing penalties for the violation of this act."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 77 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 77, A bill to be entitled "An Act to authorize any county for the purpose of constructing and maintaining and operating public roads whether such roads are macadamized, graveled or paved, or built of other material, to use timber, earth, sand, stone, gravel or other necessary materials convenient therefor, and to provide for the condemnation of such road material, and prescribing condemnation proceeding, and providing compensation for such material, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 72 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act amending Article 2093 of the Revised Civil Statutes of the State of Texas of 1911 by adding a new section following said article to be numbered 2093a, providing that any qualified elector under the laws and Constitution who is a Democrat shall be eligible to participate in Democratic primaries, but declaring that in no event shall a negro participate in a Democratic primary in the State of Texas."

The bill was read second time.

Mr. Davenport offered the following amendments to the bill:

(1)

Amend House bill No. 72 by changing the period after the word "Texas" to a comma and add the following: "and should a negro vote in a Dem-

ocratic primary election, the ballot shall be void and of no effect, and the primary election officials are hereby directed to throw out such ballot and not count the same."

(2)

Amend House bill No. 72 by adding at the end of the caption the following: "And providing that all ballots cast by negroes in Democratic primaries shall be void."

The amendments were severally adopted.

House bill No. 72 was then passed to engrossment.

SENATE BILL NO. 34 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 34, A bill to be entitled "An Act amending a special road law of Brazoria county."

The bill was read second time and was passed to third reading.

HOUSE BILL NO. 107 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 107, A bill to be entitled "An Act making it unlawful for any person, firm or corporation to sell or offer for sale for human consumption, any milk which has been so treated by any artificial means or process, as to cause same to have the appearance of containing more cream or butter fat than it actually contains, and providing appropriate penalty for the violation thereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 109 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 109, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on refining, compounding, manufacturing, blending or preparing gasoline or gasoline substitutes from petroleum or natural gas measured by intrastate sales; and levying a State occupation tax on

intrastate selling of gasoline or gasoline substitutes brought into the State from outside the State based on the first intrastate sale thereof after the same is brought into the State; requiring reports to be made, and records to be kept and permitting inspections thereof by proper public officials, and prescribing penalties for failure to comply with the act in order to facilitate collection of such occupation taxes; providing for interest on delinquent taxes and penalties; making disposition of the taxes after collected; providing for suits for taxes, penalties and interest and compensation of officers bringing same; defining gasoline; declaring the legislative intent as to parts of the act being held invalid; repealing the present gasoline occupation tax law; defining 'person' as used in this act, and declaring an emergency."

The bill was read second time.

Mr. Lackey offered the following (committee) amendment to the bill:

Amend House bill No. 109 by striking out all after the enacting clause and insert the following:

Section 1. Every person refining, compounding, manufacturing, blending or preparing in this State gasoline or any gasoline substitute from petroleum or natural gas shall pay to the State of Texas an occupation tax equal to one cent per gallon of such gasoline sold by such person in intrastate commerce in this State. Such tax shall be due and payable at the office of the State Comptroller of Public Accounts at Austin, on the 25th day of each month based on such sales made during the calendar month next preceding.

Sec. 2. Every person making the first sale of each gallon of such gasoline in intrastate commerce in this State, either after such gasoline has been brought into this State from outside this State, or after such gasoline, having been sold for transport from this State, has been stopped at or diverted to a point within this State, shall pay to the State of Texas an occupation tax equal to one cent per gallon of such gasoline so sold. Such tax shall be due and payable at the office of the State Comptroller of Public Accounts at Austin on the 25th day of each month, based on such sales made during the calendar month next preceding.

Sec. 3. Every person mentioned or included in or affected by Section one (1) of this act shall on or before the 25th day of each month, make and de-

liver to the Comptroller of Public Accounts at Austin, Travis county, Texas, a report sworn to by such person before an officer authorized to administer oaths in this State (or if such person be other than an individual, so sworn to by its president, secretary, treasurer, or other duly authorized officer, or by its representative in charge of its intrastate sales of such gasoline) on such forms as said Comptroller shall prescribe, of the total number of gallons of gasoline sold in intrastate commerce in this State by such person during the next preceding calendar month which has been refined, compounded, manufactured, blended or prepared in this State by such person.

Sec. 4. Every person mentioned or included in or affected by Section two (2) of this act shall on or before the 25th day of each month, make and deliver to the Comptroller of Public Accounts at Austin, Travis county, Texas, a report sworn to by such person before an officer authorized to administer oaths in this State (or if such person be other than an individual, so sworn to by its president, secretary, treasurer or other duly authorized officer, or by its representative in charge of its intrastate sales of such gasoline) on such forms as said Comptroller shall prescribe, of the total number of gallons of said gasoline sold by such person in intrastate commerce in this State, such sale being the first intrastate sale of each gallon of such gasoline, either after such gasoline has been brought into this State from outside this State, or after such gasoline, having been sold for transport from this State, showing all such sales made by such person during the next preceding calendar month.

Sec. 5. Every person mentioned or included in or affected by Sections one (1) or two (2) of this act shall keep a complete record of all sales made upon which the occupation tax herein levied is measured or computed, which record shall be in a permanently bound book or books (not loose leaf), and shall show the date of each such sale, the amount of same, to whom each such sale was made (except retail sales), from what place such gasoline was shipped and the name of the place of delivery of same. All of which records shall be open at all times to official inspection and examination of the Comptroller of Public Accounts, or the Attorney General, or any employe or representative of such Comptroller or

Attorney General. Any such person failing to keep such record or records as herein required shall forfeit to the State as a penalty an amount equal to one per cent of the occupation tax herein levied on any sales that such record or records ought under the law to show, and such penalty shall accrue for each day of such failure to keep such record or records.

Sec. 6. Any person mentioned or included in Sections 1 or 2 of this act failing to pay the tax levied in said sections on or before the date same is due and payable, shall pay to the State as a penalty an additional one cent per gallon of such gasoline so sold by such person and such tax and penalty shall draw interest at the rate of ten per cent per annum from the due date until paid.

Sec. 7. Any person required to make any report under this act failing to make the same in the manner or within the time prescribed by this act shall forfeit to the State a penalty of not less than \$250 and of not more than \$1000 for each such failure. Such penalty shall draw ten per cent interest from due date until paid.

Sec. 8. The occupation taxes herein levied shall be placed in the State Treasury by the Comptroller as provided in this act immediately upon collection of same. One-fourth of such occupation tax shall go to the available free school fund and three-fourths of same shall be placed to the credit of the State highway fund for the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commission, and said funds shall be set aside in a separate fund from the general revenue fund for the two purposes herein mentioned, and shall be subject to disbursement in accordance with the statute controlling the distribution of such available school fund and State highway fund, respectively. All funds derived from the occupation tax herein levied are hereby appropriated and shall be available for the purposes herein mentioned for two years beginning September 1, 1923.

Sec. 9. It shall be the duty of the Attorney General, or any district or county attorney at the direction of the Attorney General, to bring suit in behalf of the State in any court of competent jurisdiction in Travis county to recover the amount of taxes, penalties

and interest past due and payable by any person affected by this act. The officer bringing the suit shall be entitled to retain twenty per cent of the amount of the judgment as compensation for his services; provided that the county or district attorney shall not be required to account for or report any such compensation as fees of office, but the same shall be in addition to all other compensation and over and above any maximum or excess fees allowed by law; provided that where any suit is prosecuted by the Attorney General in conjunction with a district or county attorney the fees shall be equally divided between such officers.

Sec. 10. The word "gasoline" as used in this act means gasoline or gasoline substitutes refined, compounded, manufactured, blended or prepared from petroleum or natural gas, or what is commercially known as gasoline so refined, compounded, manufactured, blended or prepared.

Sec. 11. If any section, portion, clause or sentence of this act should be held to be unconstitutional, or invalid, for any reason, the remainder of the act shall nevertheless remain in force and effect.

Sec. 12. The act of the Thirty-eighth Legislature, Regular Session, effective April 1, 1923, the same being House bill No. 12, and being an act levying an occupation tax on sale of gasoline, is hereby in all things repealed.

Sec. 13. The word "person" as used in this act shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, those operating under a declaration of trust, or other concern by whatever name known or howsoever organized, formed or created.

Sec. 14. The fact that the law recently passed levying an occupation tax on the sales of gasoline is indefinite and uncertain, together with the fact that the State Treasury is in a depleted condition, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Mr. Patman offered the following amendment to the (committee) amendment:

Amend Section 8 of House bill No.

109, (committee) amendment, as follows: Strike out "one-fourth" and insert "one-half," and strike out "three-fourths" and insert "one-half."

On motion of Mr. Henderson of Marion, the amendment was tabled.

Question then recurring on the (committee) amendment No. 1, it was adopted.

Mr. Lackey offered the following (committee) amendment to the bill:

Amend by striking out all before the enacting clause and insert in lieu thereof the following:

"A bill to be entitled 'An Act levying and providing for the payment of a State occupation tax on refining, compounding, manufacturing, blending or preparing gasoline or gasoline substitutes from petroleum or natural gas measured by intrastate sales; and levying a State occupation tax on intrastate selling of gasoline or gasoline substitutes brought into the State from outside the State based on the first intrastate sale thereof after the same is brought into the State; and to repeal the acts of the Thirty-eighth Legislature, levying an occupation tax on gasoline, being House bill No. 12, and levying a tax of one cent per gallon as herein; requiring reports to be made, and records to be kept, and permitting inspection thereof by proper public officials, and prescribing penalties for failure to comply with the act in order to facilitate collection of such occupation taxes; providing for interest on delinquent taxes and penalties; making disposition of the taxes after collected; providing for suits for taxes, penalties and interest and compensation of officers bringing same; defining gasoline; declaring the legislative intent as to parts of the act being held invalid; defining "person" as used in the act, and declaring an emergency.'"

The amendment was adopted.

House bill No. 109 was then passed to engrossment.

HOUSE BILL NO. 182 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 182, A bill to be entitled "An Act to amend Section 10 of Chapter 3 of the General Laws of the State of Texas, enacted by the Third Called Session of the Thirty-third Legislature, approved October 19, 1914, by adding a subdivision thereto to be designated

(d4), providing that liabilities incurred under the provisions of the Federal 'Agricultural Credits Act of 1923' shall not be taken into account in determining the amount of indebtedness or liability of banking corporations incorporated under the laws of this State, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 183 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 183, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and rediscount of notes, or other evidence of indebtedness, for their members, and authorizing such corporations to become endorsers on notes or other evidences of indebtedness of their members, providing that such notes or other evidences of indebtedness are made for the purposes provided in the Federal 'Agricultural Credits Act of 1923,' and for the purpose of loaning money to their member stockholders, where the money is to be used for the production, or production and marketing of staple agricultural productions, or for the raising, breeding, fattening or marketing of live stock, and the purchase and payment for capital stock of such corporation; providing that no corporation shall be organized under the provisions of this act with a capital stock of less than \$10,000, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by savings banks under the laws of Texas; and providing that such corporations shall by their by-laws provide for the automatic increase of their capital stock, and authority is given for such automatic increase; providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by such corporations; and providing that such corporations shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock

the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and providing that banking or other corporations, except savings banks may, upon the approval of the Commissioner of Banking and Insurance, first had and obtained, invest in the preferred stock of such corporations; and providing also the requirements to be set out in the articles of incorporation of such corporations; and providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations; and providing the maximum amount of interest; and providing for the suspension of the constitutional rule, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 184 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 184, A bill to be entitled "An Act to enable the citizens of the State of Texas to avail themselves of the provisions of the act of Congress of the United States of America, approved March 4, 1923, and known as the Agricultural Credits Act of 1923, and to provide for the creation of private co-operative credit associations by citizens of the State of Texas engaged in the production or marketing of staple agricultural products or the raising, breeding, feeding, fattening or marketing of live stock; and providing that such co-operative credit associations shall have the power to borrow for and lend money to their members; to discount or rediscount for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted under the provisions of the Federal 'Agricultural Credits Act of 1923,' and under the terms, rules and regulations prescribed by the Federal Farm Loan Board and with such other and additional powers as are conferred upon associations generally organized under the laws

of this State, where not in conflict with the express provisions hereof; authorizing such cooperative credit associations to be organized with or without capital stock, provided that such co-operative credit associations organized for the purpose of raising, breeding, feeding, fattening or marketing live stock, shall not be organized hereunder with capital stock, the initial amount of which must be stated in the articles of incorporation and that the articles of incorporation shall provide that loans shall not be obtained for, made to, or notes purchased of any person or corporation other than a stockholder in such association, and that each applicant for a loan or discount by such association shall become a subscriber to its capital stock in an amount equal to ten per centum of the amount of the loan or discount applied for and that upon or before the closing of such loan such capital stock shall be fully paid for; and providing that the capital stock of such associations shall be automatically increased with the increase of the loans and discounts of such associations and that the amount of loans and discounts by such associations shall never be in excess of ten times the amount of paid-up, unimpaired capital stock of such association; providing for the retirement of capital stock; providing that this act shall be cumulative of all other general laws of this State affecting corporations organized thereunder, and providing for the payment of fees for the filing of articles of incorporation of co-operative credit associations hereunder and for the making of quarterly and annual reports to the Secretary of State and the payment of fees upon filing of such reports and the exempting of such co-operative credit associations from the payment of any other license or franchise tax, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 191 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 191, A bill to be entitled "An Act requiring lying-in hospitals, wards in hospitals, maternity homes, and other buildings, rooms and other places owned, kept, conducted and operated for the reception, care and treatment of pregnant women for compensation to be provided with a proper oper-

ating room to be kept in sanitary condition and properly equipped with surgical instruments and appliances; prohibiting the State Board of Health from issuing a license to keep, conduct or manage such institutions which shall not have and keep in condition for use such operating room and equipment, and empowering the State Board of Health to inquire into and determine whether or not applicants for such license have provided their respective places with such operating room and equipment; making it a misdemeanor to keep, be concerned in keeping, or aid, assist, or abet in keeping such hospitals, maternity homes, and similar places and institutions which are not provided with such operating room, or without the operating room thereof being kept in proper condition and supplied with proper surgical instruments, appliances, and equipments, and fixing the punishment therefor; making it a misdemeanor for any person to solicit or receive money or property for receiving or adopting any illegitimate child, and fixing the punishment therefor; authorizing the State Board of Health to issue to persons of good character and of lawful age a license to solicit funds for the maintenance of homes and places for the care of infants born in maternity homes, lying-in hospitals and other similar places; making it a misdemeanor for any person to solicit funds for said purpose without first having obtained license so to do, and fixing the punishment therefor, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 210 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355, of the Revised Civil Statutes of Texas, 1911, providing for an occupation tax on coin operated vending machines, such as phonographs, electrical piano, electrical battery, graphophone, weighing machine or other like machines or instruments where a fee is charged, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 86 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 86, A bill to be entitled "An Act to require the payment of interest on certain deposits required from water, light, gas and telephone companies within this State; requiring the making of annual reports; providing penalties for violations hereof; providing certain revenues, and declaring an emergency."

The bill was read second time and was passed to engrossment.

RECESS.

Mr. Carson moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Barrett moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. Quaid moved that the House recess until 9 o'clock a. m. tomorrow.

The motion of Mr. Quaid prevailed, and the House, accordingly, at 10:25 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports today on bills as follows:

Revenue and Taxation—House bills Nos. 80, 29.

Banks and Banking—House bill No. 200.

Claims and Accounts—House bill No. 219.

Appropriations—House bill No. 163.

Education—House bills Nos. 207, 221, 320.

Roads, Bridges and Ferries—House bill No. 149.

Oil, Gas and Mining—House bill No. 204.

State Affairs—House bill No. 47.

Counties—House bill No. 131.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, May 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

H. B. No. 12, A bill to be entitled "An Act providing for uniformity and equalization of taxation; conferring upon the State Tax Board general supervision over the administration of the laws relating to taxation and over assessors and collectors of taxes and county commissioners courts sitting as boards of equalization to the end that assessment of all classes of property for purposes of State taxation shall be made relatively just and equal in the several counties of the State; providing for the review by such State Tax Board of the aggregate assessment of the various classes of property in the several counties and empowering it to raise or lower the valuation of any and all classes of property in any county or counties for the purpose of State taxation; prescribing the duties of tax assessors and collectors and the county judge and county commissioners with reference to equalization for purposes of State taxes; providing for a hearing and notice before fixing valuations by the State Tax Board; providing for a hearing and notice by the county board of equalization before carrying into effect the orders of the State Tax Board with reference to valuations; authorizing the county commissioners court to adopt the valuation fixed in compliance with the orders of the State Tax Board for purposes of taxes other than State taxes and permitting it to adopt a different valuation for purposes of State taxes if it elects to do so; enacting provisions necessary and incident to the subject and purpose of the act; amending Articles 7580 and 7350 of the Revised Civil Statutes of Texas; making the necessary changes in the laws relating to duties of tax assessors, tax collectors and county boards of equalization, and specifying and fixing dates for the performance thereof, so as to carry into effect the provisions of the act; requiring the tax collector in assessing taxes under provisions of law authorizing him to do so to conform to the orders and instructions of the State Tax Board, and making it unlawful for tax collectors to collect any State taxes or other taxes until there has been delivered to them a tax roll in which the State taxes show to have been extended on valuations complying with the orders of the State Tax Board; providing for mandamus suits by the State Tax Board and prescribing procedure therein and rules governing appeals therefrom; extending

time for payment of taxes without penalty if rolls are not completed by the end of the year; authorizing the State Tax Board to prescribe forms, and to require descriptions of real estate, and to require that improvements be listed separately from lands and lots on which they are situated in making assessments; providing for the removal of any member of the State Tax Board, assessor or collector of taxes, or county judge or county commissioner who shall wilfully fail or refuse to comply with the provisions of the act; declaring the rule of construction in case of invalidity of any provisions of the act; providing the time when the act shall take effect, and repealing all laws or parts of laws in conflict therewith."

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, May 7, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 26, A bill to be entitled "An Act to amend Articles 7369, 7370, 7371, 7372, 7373, 7377, 7378 and 7382, of Chapter 2, Title 126, of the Revised Civil Statutes of Texas, 1911, relative to the levying of occupation taxes upon individuals, companies, corporations and associations pursuing any of the occupations, that is, viz., express companies, telegraph companies, gas, electric light, power or waterworks, collecting or commission agencies, car companies, wholesale dealers in oil, interurban and electric railway companies and telephone companies; providing for an increase of the gross receipts tax to be paid by said companies; providing for a new article to be numbered 7383b, to provide that each company subject to the provisions of this chapter shall cause to be made and to be kept and preserved a full and complete record of all business done by said companies during the time so engaged in said business, and said record shall be open to the inspection of all tax officers of the State; and also providing further that any company subject to the provisions of the Intangible Tax Law as set out in Chapter 4, Title 126 of the Revised Statutes of 1911, and all amendments thereto, and are complying with the provisions of said law, shall not be subject to the provisions of

this chapter, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room.

Austin, Texas, May 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 32, A bill to be entitled "An Act providing for the levy and col-

lection of income taxes, upon individuals, firms, copartnerships, corporations, joint stock companies and associations residing or doing business within the State of Texas, and upon non-residents having income from property located in or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; providing for income tax collections, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

In Memory
of
Hon. J. M. Hall.

Mr. Bird offered the following resolution:

Whereas, It has come to the knowledge of the House of Representatives of the Thirty-eighth Legislature that the Hon. J. M. Hall has passed away at his home in Cleburne, Texas; and

Whereas, Mr. Hall was an able and useful citizen of our State and a member of the Twenty-ninth Legislature, where he served with honor to himself and loyalty to his constituents; therefore, be it

Resolved, That we extend to the family, relatives and friends of our deceased friend our deepest sympathy and that a copy of this resolution be furnished to the family by the Chief Clerk of the House of Representatives and a page in the Journal be set aside for this resolution, and that when the House of Representatives adjourns today, it shall be out of respect to his memory.

BIRD,
HOWETH.

The resolution was read second time and was adopted by a rising vote.